



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

WELFARE OF PLAIN TRIBES & BACKWARD CLASSES DEPARTMENT

NOTIFICATION

The 17th March, 2022

No.TAD/BC/628/2021/6.- In exercise of powers conferred by section 42 of the Kamatapur Autonomous Council Act, 2020 (Assam Act No. XXVI of 2020), the Governor of Assam is hereby pleased to make the following rules regulating the matters relating to the Elections to the General Council of Kamatapur Autonomous Council and it will be called the Kamatapur Autonomous Council (Election) Rules, 2021, namely:-

Short title and commencement

1. (1) These rules may be called the Kamatapur Autonomous Council (Election) Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.

PART-I **Preliminary**

Definitions

2. (1) In these rules unless the context otherwise requires,-
 - (a) "Act" means the Kamatapur Autonomous Council Act, 2020;
 - (b) "Adjudicating Authority" means an authority appointed by the Government, from time to time, by a notification in the Official Gazette to try an election petition under provisions of section 41 of the Act;
 - (c) "Ballot Box" means and includes any box, bag or other receptacle used for the insertion of ballot paper by voters during poll;
 - (d) "Corrupt practice" means any of the practices specified in section 123 of the Representation of the People Act, 1951;

- (e) "Council" means the General Council as provided in the Act;
- (f) "counterfoil" means the counterfoil attached to a ballot paper printed under provisions of these rules;
- (g) "Electoral Roll" means the electoral rolls of a constituency;
- (h) "FORM" means forms appended to the APPENDIX-I and APPENDIX-II of these rules and includes translation thereof in Assamese or any of the languages used for official purposes, and any printed, photo copies, type written, cyclostyled or manuscript copy thereof;
- (i) "Marked copy of the Electoral Roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
- (j) "Order" means an order published in the Official Gazette of Assam;
- (k) "person" does not include a body of persons;
- (l) "polling station" in relation to a Council election means the place fixed for taking the poll at that election;
- (m) "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881(26 of 1881);
- (n) "Registration Officer" means the Electoral Registration Officer of a Constituency and includes an Assistant Electoral Registration Officer thereof;
- (o) "section" means a section of the Act ;
- (p) "sign" in relation to a person who is unable to write his name means authenticating in such manner as prescribed under rule 2 (2) of the Conduct of Elections Rules, 1961;
- (2) The words and expressions used in these rules and not defined herein but defined in the Act shall have the same meaning respectively as assigned to them in the Act.

Part-II

Administrative Machinery for preparation of electoral rolls and conduct of election

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| State Election Commission | 3. For the purpose of holding election to the General Council as provided in section 32 of the Act, the preparation, publication and maintenance of all Electoral Rolls for and the conduct of elections to the General Council shall be done under the superintendence, direction and control of the Assam State Election Commission. |
| District Election Officer | <p>4. (1) For each district within the Council Area, the Commission shall, in consultation with the Government, designate or nominate a District Election Officer who shall be an Officer of the Government:</p> <p style="padding-left: 20px;">Provided that the Commission may designate or nominate more than one such officer for a district if the Commission is satisfied that the functions of the office cannot be performed satisfactorily by one officer.</p> <p>(2) Where more than one District Election Officer are designated or nominated for a district under provision to sub-rule (1) above, the Commission shall in the order designating or nominating the District Election Officers also specify the area in respect of which each such officer shall exercise jurisdiction.</p> |

	<p>(3) Subject to the superintendence, direction and control of the Commission, the District Election Officer shall co-ordinate and supervise all works in the district or in the area within his jurisdiction in connection with the preparation, printing and publication of all Electoral Rolls for and conduct of all elections to the General Council Constituencies within the district.</p> <p>(4) The District Election Officer shall also perform such other functions as may be entrusted to him by the Commission.</p>
Returning Officers and the general duties of the Returning Officers	<p>5. (1) For every Constituency, the Commission shall, in consultation with the Government, designate or nominate a Returning Officer who shall be an officer of the Government:</p> <p>Provided that the Commission may also designate or nominate the same person to be the Returning Officer for more than one constituency.</p> <p>(2) It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act and the rules or orders made thereunder.</p>
Duties of Assistant Returning Officer	<p>6. Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:</p> <p>Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer, which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.</p>
Returning Officer to include Assistant Returning Officer	<p>7. References in the Act and in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorized to perform under rule 6.</p>
Election Officer	<p>8. The Commission shall, in consultation with the Government, designate or nominate for each district within the Council area one or more officer(s), who shall be such officer(s) of the Government, as Election Officer(s) to advise and assist the District Election Officer(s) in the performance of his (their) functions as specified under rule 5. The Election Officer shall also perform such other functions as may be entrusted to him by the Commission and the District Election Officer.</p>
Electoral Registration Officer	<p>9. The Electoral Roll for each Council Constituency shall be prepared by an Electoral Registration Officer who shall be such officer of the Government or of a local authority as the Commission may, in consultation with the Government, designate or nominate in this behalf.</p>
Assistant Electoral Registration Officer	<p>10. (1) The Commission may appoint, in consultation with the Government, one or more persons as Assistant Electoral Registration Officer to assist any Electoral Registration Officer in the performance of his functions.</p> <p>(2) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.</p>
Designated Officers	<p>11. The Electoral Registration Officer may designate any officer of the Government or of a local authority to assist him in the process of the preparation and publication of Electoral Rolls.</p>
Appointment of Presiding Officer and polling officers and their duties	<p>12. (1) The District Election Officer shall appoint a Presiding Officer for each polling station and such number of polling officer or officers as he may consider necessary for conducting the elections under these rules, but he shall not appoint any person who has been employed by or on behalf of, or has been working for a candidate in or about the election:</p> <p>Provided that if a polling officer is absent from the polling station, the Presiding Officer may appoint in writing any person who is present at the polling station, other than a person who has been employed by or on behalf of, or has been otherwise</p>

working for, a candidate in or about the election, to be the polling officer during the absence of the former officer and the Presiding Officer shall inform the District Election Officer accordingly.

(2) The polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules or orders made thereunder.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by each polling officer as has been previously authorized by the District Election Officer to perform such functions during any such absence.

(4) References in these rules to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorized to perform under sub-rule (2) or sub-rule (3) above, as the case may be.

(5) It shall be the general duty of the Presiding Officer at a polling station to keep order there at and to see that the poll is fairly taken.

(6) It shall be the duty of the polling officers at a polling station to assist the Presiding Officer for such polling station in the performance of his functions.

District Election Officers etc. deemed to be on deputation to the Commission

13. The District Election Officer, Returning Officer, Assistant Returning Officer, Election Officer, Electoral Registration Officer, Assistant Electoral Registration Officer, Presiding Officer, Polling Officer and any other officer or staff appointed or employed in connection with the preparation and publication of electoral rolls to and the conduct of all elections under these rules and any police officer designated for the time-being by the Government for the conduct of any election, shall be deemed to be on deputation to the Commission for the period,-

- (a) during which they are so employed and engaged for the purpose of preparation and publication of Electoral Rolls; and
- (b) commencing on and from the date of notification calling for an election and ending with the declaration of results of such election and accordingly, such officers and staff shall during that period, be subject to the control, superintendence and discipline of the Commission.

Part-III

Polling Stations

Setting up of polling stations

14. (1) The District Election Officer is responsible for the provision of polling stations for every Constituency and the publication of the list of such polling stations. He shall, therefore, with the previous directions and instructions and approval of the Commission, provide a sufficient number of polling stations for every Constituency within his jurisdiction and shall prepare and publish a list for such Constituency showing the polling stations so provided and polling areas or groups of voters for which they have respectively been provided in such manner as the Commission may direct.

The optimum number of polling stations in each Constituency shall be determined by dividing the total number of voters in the Constituency by 750. This number will be average for both rural and urban Constituencies. A polling station shall be provided for a well-defined polling area normally covering about 800 to 1000 electors. However, in exceptional cases such number may exceed 1000 to avoid break-up of any polling area in large villages or urban areas. But such number of electors shall in no case exceed 1200. In such cases new polling station may be set up. As far as practicable the

polling stations shall be located in schools and other Government or Semi-Government or local body institutions.

Supply of copies of the list of polling stations to the contesting candidates

(2) Each contesting candidate at an election shall be supplied free of cost with one copy of the list of polling stations for that Constituency immediately after the last date of withdrawal of candidatures.

Part -IV **Electoral Rolls**

Electoral Roll for every Council Constituency and manner of publication

15. (1) For every Council Constituency there shall be an Electoral Roll, which shall be prepared in accordance with the provisions of section 32 of the Act under the superintendence, direction and control of the Commission.

(2) The Electoral Roll shall be prepared under sub-rule (1) as per the Delimitation of Constituencies Order of the Government published under section 30 of the Act. Whereas, the Electoral Rolls are required to be prepared polling station wise, it is, therefore, imperative to finalise the polling stations for every Constituency before the process of preparation of Electoral Rolls is commenced.

(3) Under provisions of section 32 (1) of the Act, the Electoral Rolls of one or more than one Assam Legislative Assembly Constituency as in force on such day as the Commission by general or special order notify in this behalf, as are relatable to a General Council Constituency, shall be the Electoral Roll for a General Council Constituency.

Manner of publication of Electoral Roll and publication thereof

16.(1) The Electoral Registration Officer shall prepare the Electoral Roll for each Council Constituency as mentioned in sub rule (3) of rule 15. The relevant Electoral Rolls or portion thereof the Electoral Rolls in force of the Assam Legislative Assembly Constituencies corresponding to the area included within a Council Constituency shall be collated by the Electoral Registration Officer and he shall publish the same under his hand and seal as the draft Electoral Roll in his office displaying a notice in FORM-I of APPENDIX-I for general information of the public on a date as may be fixed by the Commission. A notice specifying the area and group of voters of different localities as Mouza, Village, Municipal Ward etc. included in different parts of the Electoral Roll of the said Constituency shall also be displayed along with such publication. Copy of the notice in FORM- I as aforesaid shall also be displayed for public information in the offices of the Circle Officer, Block Development Officer, Municipality, Town Committee, Sub-Registry Officer, Police Stations, Tea Gardens, Gaon Panchayat Offices, located within the Constituency:

Provided that any provision relating to the disqualification under section 33 of the Act if attracted in respect of any person, shall disqualify him to be eligible to be a voter for any Council Constituency.

(2) Every claim for inclusion of a name, every objection to an entry and every application for correction of an entry in respect of the draft Electoral Roll as published under sub-rule (1) of rule 16 shall be submitted either in Assamese or in English Language within a period of 15 (fifteen) days from the date of publication of the roll in draft as may be fixed by the Commission in this behalf in FORM 2, 3 and 4 of Appendix-I respectively :

Provided that the Commission may, by notification in the Official Gazette, extend the period in respect of the Constituency as a whole or in respect of any part thereof.

(3) (i) All claims for inclusion, deletions and correction of entries in respect of the draft Electoral Roll as referred to under sub-rule (1) of rule 16 if presented before the Electoral Registration Officer he shall dispose of such applications summarily within a period not exceeding seven days from the last date of submission of such petitions.

(ii) The Electoral Registration Officer may include the name of a person claiming for inclusion of his name in the Electoral Roll, only on being satisfied about the fact that the name of that person appears in the Electoral Roll in force of the Assam Legislative Assembly taken as the basis for preparation of the draft Electoral Roll referred to under sub-rule (1) of rule 16.

(iii) The Electoral Registration Officer shall also dispose of the applications for objections and corrections, as presented to him summarily in the manner as aforesaid.

(4) (i) If the claims, objections and correction petitions are presented before the Designated Officer or any other authorized officer they shall forward the said petitions with such remarks as they consider proper to the Electoral Registration Officer.

(ii) On receipt of such petitions, as above, by the Electoral Registration Officer from the Designated Officer or any other authorized officer, the Electoral Registration Officer shall immediately proceed to take action to dispose of such petitions summarily following the procedure as laid down under sub-rule (2) above.

(5) The decision of the Electoral Registration Officer taken after due summary enquiry on the petitions of claims, objections and corrections under sub rule (2) and (3) shall be final.

(6) The language of the Electoral Roll shall be Assamese or any other language as may be prescribed by the Government from time to time.

(7) After having been disposed of all the petitions on claims, objections and corrections referred to under sub-rule (3) and (4) of rule 16, the Electoral Registration Officer shall thereafter cause to prepare a list of amendments, if any, to the respective part of the Electoral Rolls in respect of each Constituency showing therein the names of persons to be included, deleted and to be corrected as the case may be, in the list of voters as under sub-rule (1) of rule 16 in FORM-5. The Electoral Rolls published under sub-rule (1) of rule 16 together with the addition, deletion and correction, if any, shall be the Electoral Roll for the General Council Constituency and shall be used for the purpose of election. The Electoral Rolls so prepared with the necessary amendments, if any, shall be published for inspection of the general public displaying a notice in FORM- 6 of APPENDIX-I at his office:

Provided that no amendment, as aforesaid shall be made after the last date for making nominations for an election in a Constituency and before the completion of that election.

(8) Subject to such general or special directions as may be given by the Commission, the Electoral Registration Officer shall supply free of cost one copy of each separate part of the Electoral Roll of the Constituency referred to in sub- rule (7) above to every Political Party for which a symbol has been exclusively reserved by the Election Commission of India.

(9) The last part of the Electoral Roll for an Assam Legislative Assembly Constituency as referred to in sub-rule (1) of rule 16 relating to the Service voters shall also be collated by the Electoral Registration Officer as per the Council Constituency and shall be published as last part of the Electoral Roll of the Council Constituency along with the final Electoral Rolls as under sub-rule (1) of rule 15. Such last part of the roll of the Service voters shall not be published along with the draft Electoral Roll as under sub-rule (1) of rule 16.

(10) The Electoral Rolls referred to under sub-rule (1) of rule 16, the list of amendments under sub-rule (7) of rule 16 and the last part of the Electoral Roll under sub-rule (3) of rule 15 shall be printed for the required number of copies before the draft and final publications of the rolls under the sub rules as aforesaid under the directions and instructions of the Commission to be issued in this regard from time to time.

(11) After the Electoral Rolls for a Council Constituency has been finally published, the District Election Officer concerned shall keep all the copies of the Electoral Rolls under his safe custody along with all the papers relating to the preparation of the Electoral Rolls for the Constituency and shall maintain proper account of the same in a register. Similar action shall be taken by the District Election Officer for all the Constituencies under his jurisdiction. The Electoral Registration Officers concerned shall, therefore, immediately after final publication of rolls hand over all the copies of the rolls along with all related papers for such preparation of rolls, to the District Election Officer concerned for safe custody. Necessary instructions in this respect may be issued by the Commission from time to time.

(12) Every person shall have the right to inspect the Electoral Roll and the relevant papers and get certified copies thereof on payment of such fees as are required for obtaining certified copies from a Revenue Court.

Part-V

Notification for Elections and Appointment of dates for nominations etc.

Notification for Elections

17.(1) For the purpose of constituting the first General Council and thereafter for constituting a new General Council on the expiration of duration of the General Council or on its dissolution under provisions of section 49 of the Act, the Commission shall, by one or more notification, published in the Official Gazette call upon the Constituencies to elect members in accordance with the provisions of the Act and the rules and orders made thereunder:

Provided that where a general election is held otherwise than on the dissolution of the existing General Council, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the General Council would expire under the provisions of section 6 of the Act.

(2) When a seat of a member elected to the General Council becomes vacant or declared vacant or his election to the General Council is declared void, the Commission shall, by a notification in the Official Gazette, call upon the Constituency concerned to elect a person for the purpose of filling the vacancy in accordance with the provisions of the Act and of the rules and orders made thereunder.

Appointments of dates for nominations etc.

18. Simultaneously with the issuance of notification calling upon a Constituency to elect a member, the Commission shall, by notification in the Official Gazette, appoint –

(i) the last date for filling nominations which shall be the seventh day after the date of publication of the first mentioned notification or if that day is a public holiday, the next

succeeding day which is not a public holiday;

(ii) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday;

(iii) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(iv) the date or dates on which a poll shall, if necessary, be taken and the hours during which poll shall be taken, which date or the first of which shall be a date not earlier than the fourteenth day after the last date for the withdrawal of candidatures;

(v) the date before which the election shall be completed.

Public Notice of Election

19. (1) After the issue of a notification under rule 18 the Returning Officer shall give public notice of the intended election in FORM-1 of APPENDIX-II inviting nomination of the candidates for such election and specifying the place at which the nomination papers are to be delivered.

(2) The public notice shall be published on the same day on which notification of election is published. It shall be published in English and Assamese on the Notice Board of the Returning Officer and all other conspicuous places like offices of the Gaon Panchayat, Block Development Officers, Municipalities, Tea-gardens, Police Stations, Sub-Registry Officer situated within the Constituency.

PART-VI

Nomination of Candidates, Scrutiny And Withdrawal of Nominations, Allotment of Symbols And Countermanding of The Poll In Case of Death of A Candidate Before Poll

Nomination of Candidates

20. Any person may be nominated as a candidate for election to the General Council from any Constituency if he is qualified to be chosen to fill that seat under the provisions of the Constitution and the Act and the rules and orders made thereunder. His name should be included in the Electoral Roll of any one of the Constituencies:

Provided that a person shall not be qualified for being elected to the General Council if he suffers from any of the disqualifications under section 36 of the Act; or convicted by a Court for an offence under Chapter IX A of the Indian Penal Code or Chapter I or Chapter III of Part VII of the Representation of the People Act, 1951 and five years have not elapsed from the date of expiration of the sentence; or

(a) he is an undischarged insolvent; or

(b) he being a discharged insolvent has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part.

Presentation of nomination paper and requirements for valid nomination

21. (1) On or before the date appointed under clause (i) of rule 18 each candidate shall, either in person or his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon, deliver to the Returning Officer at the place specified in this behalf in the notice issued under rule 20, a nomination paper in FORM-2 of APPENDIX-II duly completed and signed by the candidate and by an elector of the Constituency as proposer. In a Constituency which is reserved under section 5, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular tribe of which he is a member and the area in

relation to which the tribe is a Scheduled Tribe of the State:

Provided that no nomination paper shall be delivered to the Returning Officer on a day, which is a public holiday.

(2) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination papers for election in the same Constituency:

Provided that not more than four nomination papers shall be presented by or on behalf of a candidate and accepted by the Returning Officer for election in the same Constituency:

Provided further, that failure to complete or defer to complete the declaration as regards to symbol shall not be deemed to be a defect of substantial character.

(3) On presentation of nomination paper the Returning Officer shall satisfy himself that the names and Electoral Roll number of the candidate and his proposer as entered in the nomination paper are same as those entered in the Electoral Roll of the relevant Constituency:

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names or number to be corrected in order to bring them into conformity with the corresponding entries in the Electoral Roll and where necessary direct that any clerical or printing error in the said entries should be overlooked.

(4) Where the candidate is an elector of a different Constituency, a copy of the Electoral Roll of that Constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll, shall unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny.

(5) A candidate filing nomination shall furnish information supported by an affidavit relating to his assets, movable, immovable properties, deposit in bank accounts, shares, equities and any other instruments that may accrue financial benefit to the candidate in FORM- 24 and 25 of APPENDIX-II respectively.

(6) A candidate filing nomination shall also furnish information supported by an affidavit as to whether he has ever been convicted by any court of law under section 8 of the Representation of the People Act, 1951 in FORM- 26 and 27 of APPENDIX-II respectively.

(7) The Returning Officer shall draw the attention of the candidates to the provisions of sub-rules (5) and (6) above for their due compliance in FORM- 23 of APPENDIX-II at the time of filing nominations by them.

(8)(i) Under provisions of Article 173(a) of the Constitution a candidate filling nomination shall make and subscribe an oath or affirmation in FORM- 31 of APPENDIX- II before some person authorized in that behalf by the Election Commission of India. The oath or affirmation should be made and subscribed by the candidates before the day fixed for scrutiny of nomination paper at an election.

(ii) If a candidate has not made or subscribed the oath or affirmation before the date appointed for the scrutiny of nomination papers as required under the Constitutional provisions, the Returning Officer shall draw the attention of the candidates to that effect by means of a written memo in FORM- 30 of APPENDIX- II as soon as the nomination paper of the candidate is presented and examined from the technical point, since the oath or affirmation can be made and subscribed by the candidate only after the nomination paper has been delivered.

(9) The Returning officer shall after 3 P.M. on each day between the date of notification and the last date for making nominations, both days inclusive, publish on his notice board a notice of the nomination papers presented before him on that day in FORM- 3 of APPENDIX-II. If more nomination papers than one have been presented in respect of the same candidate, notice must be given of all of them.

(10) Immediately after 3 P.M. on the last date for making nomination, the Returning Officer shall prepare a consolidated list of all the nomination papers presented before him in FORM- 3 A of APPENDIX-II.

The names of the nominated candidates in this list are to be arranged in three categories viz. (i) candidates of recognized National and State Political Parties, (ii) candidates of registered Political Parties (other than recognized National and State Political Parties) and (iii) other candidates (independent candidates). Such names, in each category, shall be arranged alphabetically according to the script of the Assamese language. However, the serial numbers of candidates of all three categories shall be given run-on consecutively and not separately for each category. If more nomination papers than one have been presented in respect of the same candidate, it is not necessary to include the name of that candidate in the list more than once.

Deposits

22. A candidate shall not be deemed to be duly nominated for election to General Council unless, at the time of delivery of the nomination paper he has either deposited or caused to be deposited either in cash or through treasury challan with the Returning Officer, a sum of Rupees five hundred or where the candidate is a member of the Scheduled Tribes or Scheduled Castes a sum of Rupees two hundred fifty only:

Provided that where a candidate is nominated by more than one nomination papers for election in the same Constituency not more than one deposit shall be required of him.

Political Party

23. For the purpose of these rules, a Political Party shall be a party functioning in the Council area and recognized by the Election Commission of India as a National Political Party or a State Political Party or as a registered but unrecognized Political Party of Assam. Therefore, a candidate shall be deemed to be set up by a Political Party if a notice in writing to that effect has, not later than 3:00 P.M. on the last date for making nominations, been delivered to the Returning Officer of the Constituency and to the Commission by the Political Parties in FORM- A and B, as the case may be, in FORM- 28 and FORM- 29 of APPENDIX-II.

Symbol for Election

24. (1) In every contested election a symbol shall be allotted to a contesting candidate and different symbols shall be allotted to different contesting candidates at an election in the same Constituency. Law provides for two categories of symbols namely- (i) reserved symbols and (ii) free symbols. A "reserved symbol" means a symbol reserved for a recognized National or State Political Party as referred to under rule 23 and a "free symbol" means a symbol other than a reserved symbol. For the purpose of these rules such symbols shall mean and include the symbols as specified by the Election Commission of India that may be chosen by candidates at elections in Parliamentary and Assembly Constituencies and the restrictions to which their choice shall be subject in accordance with the provisions of its Latest Symbol Order and as amended from time to time. No candidate can choose a symbol outside these lists, and if he does, such choice shall be ignored by the Returning Officer. Subject to such amendments from time to time by the Election Commission of India, the list of its updated symbols reserved for the National and State Political Parties and that of the free symbols is reproduced at APPENDIX-III of

these rules. In every contested election from a Constituency, the Returning Officer, therefore, shall allot to each contesting candidate a separate symbol accordingly from the list.

(2) Subject to any general or special direction issued by the Commission under sub-rule (4) or sub-rule (5) or sub-rule (6) of rule 27, where at any election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered and no other declaration as to symbols, shall be taken into consideration under rule 27 for the purpose of allotment of symbols to the contesting candidates even if that nomination paper has been rejected.

(3) Notwithstanding anything contained in the provisions of sub-rule (1), above if at any election the number of candidates exceeds the number of symbols specified in the lists of the Election Commission of India as at APPENDX-III, the Returning Officer shall refer the matter to the Commission, which may in consultation with the Government take such steps as it considers expedient to do so in the interest of smooth conduct of such elections.

**Scrutiny of
nominations**

25. (1) On the date fixed for scrutiny of nominations under clause (ii) of rule 18, the candidates, their election agents, one proposer of each candidate and one other person duly authorized in writing by each candidate, but no other person may be allowed to attend at such time and place as the Returning Officer may appoint and the Returning Officer shall give them all reasonable opportunities for examining the nomination papers of all candidates which have been delivered within the stipulated time and in the manner laid down in rule 21.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made in respect of any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:-

(a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being elected to the General Council by or under the provisions of the Act;

(b) that there has been a failure to comply with any of the provisions of rule 20, 21, and 22;

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clauses (b) and (c) of sub-rule (2) above shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect, which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (ii) of rule 18 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by any other cause beyond his control. The scrutiny of all nomination papers shall be completed on the date appointed for scrutiny:

Provided that in case an objection is raised by the Returning Officer or by any other person the candidate concerned may be allowed time to rebut it not later than the

next day or the day after that, but not beyond 11 A.M. on that day following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date on which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, he shall record in writing a brief statement of his reasons of such rejections.

(7) Immediately after all the nomination papers have been scrutinized and the decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates in FORM- 4 of APPENDIX-II, and affix it on his Notice Board. A copy of the list of validly nominated candidates shall be forwarded as soon as prepared to the Commission and the press where Ballot papers may be directed to be printed by the Commission in consultation with the Government. The names of the validly nominated candidates shall be arranged in alphabetical order in the manner as laid down under sub-rule (10) of rule 21.

Withdrawal of candidature

26. (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under clause (iii) of rule 18 to the Returning Officer either by the candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate. The notice of withdrawal of candidature shall be in FORM- 5 of APPENDIX-II.

(2) No person, who has given a notice of withdrawal of his candidature under sub-rule (1), shall be allowed to cancel the notice.

(3) The Returning Officer shall on being satisfied as to the genuineness of a notice of withdrawal of the candidature and the identity of the person delivering it under sub-rule (1), cause the notice to be affixed in his office in FORM- 6 of APPENDIX-II.

List of contesting candidates

27. (1) Immediately after the expiry of the period within which candidatures may be withdrawn, under sub-rule (1) of rule 26 the Returning Officer shall prepare in FORM- 7 of APPENDIX-II a list of contesting candidates that is to say, the candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidatures within the said period.

(2) The said list shall contain the name in alphabetical order and address of the contesting candidates as given in the nomination papers and shall be prepared in Assamese language. However, for the purpose of listing the names under sub-rule (1) above, the candidates shall be classified as follows, namely:-

- (i) Candidates of recognized National and State Political Parties;
- (ii) Candidates of registered Political Parties (other than recognized National and State political parties);
- (iii) Other Candidates.

(3) The categories mentioned in sub-rule (2) shall be arranged in the order specified therein and the names of candidates in each category shall be arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination paper together with such other particulars as may be prescribed.

(i) The alphabetical order referred to in sub-rule (2) and above shall be determined with

reference to the names proper of the candidates, where surnames are written first, first alphabet of the surnames shall be taken into consideration for the purpose. Such alphabetical arrangements shall be made according to the Assamese script.

(4) The Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to the provisions of rule 24 and any general or special direction issued in this behalf by the Commission-

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable with his choice;

(b) if, more contesting candidates than one have indicated their preference for the same symbol, decide by drawing up lot as to which of such candidates shall be allotted the particular symbol.

(5) The allotment by the Returning Officer of any symbol to a candidate shall be final.

(6) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

Affixing copy of the list of contesting candidates

28. (1) The Returning Officer shall, immediately after its preparation cause a copy of the list of contesting candidates to be affixed in his office Notice Board and shall supply copy of the same to each of the contesting candidates directly or through his election agent.

(2) Such number of copy/ copies of list of contesting candidates shall be forwarded as soon as prepared, to the Commission and to the Government or any other authorities or the concerned printing press where ballot papers will be printed as may be directed by the Commission.

Death of candidate before poll

29. If candidate, who has been only nominated under the rules and after the date fixed for scrutiny or nomination but before the commencement of poll and who has not withdrawn his candidature under rule 26, dies and a report of his death is received before commencement of the poll, the Returning Officer shall on being satisfied of the fact of the death of the candidate, by order, announce an adjournment of the poll in the particular Constituency to a date to be notified later and report the fact to the Commission and all procedure with reference to the that Constituency shall be commenced afresh in all respects as if for fresh election:

Provided that no fresh nomination shall be necessary in case of candidate whose nomination had been valid at the time of adjournment of the poll:

Provided further that no person, who has given a notice of withdrawal of his candidature under rule 26 before adjournment of the poll, shall be eligible for being nominated as a candidate for election after such adjournment in place of the deceased candidate.

Procedure for contested and uncontested elections

30. If, at any election to any Constituency for General Council:-

(a) the number of candidates is more than one, poll shall be taken;

(b) if, there is only one contesting candidate for the seat the Returning Officer shall forthwith declared in FORM-12 of APPENDIX-II such candidate to be duly elected to fill the seat;

(c) if, there is no candidate for the seat the Returning Officer shall forthwith inform the Commission for taking appropriate action. The Commission shall, by notification in the Official Gazette call upon the Constituency to elect a person to fill the seat;

(d) immediately after finalization of the list of candidates the Returning Officer shall issue an identity card to each contesting candidate in FORM-8 of APPENDIX-II. Such identity card bear photographs of the contesting candidates and, as such, all candidates shall be asked by the Returning Officer to furnish two copies of their recent passport size photographs for the purpose. The identity card shall be prepared in duplicate by the Returning Officer affixing the photographs on the top right portion of the card. The photographs shall, thereafter, be attested by the Returning Officer in such a manner so that a portion of both his signature as well as his seal are affixed on the photograph and the rest on the identity card. The original copy of such identity card shall be given to the candidate and the duplicate one be kept as office copy for record by the Returning Officer.

PART - VII

Agents of Candidates

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|---|---|
| Election Agent | <p>31. (1) A candidate at an election may appoint any person other than himself to be his election agent. When any such appointment is made, notice of the appointment shall be given in FORM- 8A of APPENDIX-II in duplicate affixing passport size photographs of the person on the top right hand side corner of the notice in both the copies. Such notice shall be submitted to the Returning Officer either at the time of delivery of the nomination or at any time before election. The Returning Officer after due endorsement and attestation of the photographs under his hand and seal in both the copies shall return the original copy to the person concerned retaining the duplicate copy as office record.</p> <p>(2) No person, who for the time being is not qualified for voting at elections, shall be eligible for appointment as election agent.</p> <p>(3) The appointment of election agent may be revoked by the candidate at any time by declaration in writing in FORM-9 of APPENDIX-II signed by the candidate and lodged with the Returning Officer. Such revocation will be effective from the date of such lodging. In the event of such revocation or in the event of death of an election agent before or during the period of election, the candidate may appoint a new election agent in accordance with the provisions of sub-rule (1) above. An election agent may perform such functions as are authorized by or under these rules to be performed by an election agent.</p> |
| Appointment of Polling agent | <p>32. (1) A contesting candidate or his election agent may appoint one polling agent and two relief agents for each polling station. Such appointment shall be made in FORM-10 of APPENDIX-II in duplicate.</p> <p>(2) Every such appointment shall be made over to the polling agent for production to the Presiding Officer at the polling station or the place fixed for poll, as the case may be. The Presiding Officer shall retain the duplicate copy in his custody. No polling agent shall be allowed to perform any duty at the polling station, unless he has complied with the provisions of this sub-rule and shall perform such functions in connection with the poll as are authorized by or under this rule, to be performed by a polling agent.</p> |
| Revocation of appointment of polling agent | <p>33. (1) The appointment of polling agent may be revoked by the candidate or his election agent in FORM-11 of APPENDIX-II at any time before the commencement of the poll by declaration in writing signed by him, and this should be lodged with the Presiding Officer of the polling station where the polling agent was appointed for duty.</p> |

(2) Where the appointment of polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may at any time before the closure of the poll, appoint a new polling agent in accordance with sub-rule (1) of rule 32.

PART-VIII

The Poll, Voters, Polling Materials, Polling Arrangement

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| Fixing time for poll | 34. The Commission shall fix the hours during which poll shall be taken in such manner that the total hours allotted on any one day for polling at an election in a Council Constituency should not be less than eight hours. |
| Manner of voting | 35. At every election where a poll is taken, votes shall be given by Ballot in the manner prescribed under rule 53 and no vote shall be received by proxy. |
| Persons entitled to vote by post | 36. Without prejudice to the generality of the provisions contained in rule 35, the following persons shall, subject to their fulfilling the requirements specified in these rules, be entitled to vote by post, namely:
(a) Service voters;
(b) the spouse of any Service voter if he or she be ordinarily residing with him or her;
(c) voters on election duty; and
(d) electors subjected to preventive detention. |

Service voters 37. (1) 'Service voters' means any person, having service qualification, who is required to give his or her vote by postal ballot under clause (a) of Section 60 of the Representation of the People Act, 1951 and whose name is registered in the last part of the Electoral Roll. Such person is not entitled to vote in person at any polling station of the Constituency and can vote only by post.

The spouse of a Service voter in terms of clause (b) of rule 36 is also required to vote by post if his or her name is registered in the last part of the Electoral Roll and he or she shall be also not entitled to vote in person at any polling station of the Constituency.

(2) The District Election Officer shall be responsible for printing of postal ballot papers for the Service voters within 24 hours after the last hours fixed for the withdrawal of candidatures. Simultaneously the Returning Officer is responsible for dispatch of the postal ballot papers to the service voters together with FORM 14-A, 14-B, 14-C and 14-D of APPENDIX II within 48 hours of the last hours fixed for the withdrawal of candidatures through their respective Record Offices by post under certificate of posting.

The postal ballot paper for the spouse of a service voter shall be sent in a separate cover and not in the cover addressed to his or her spouse.

(3) In regard to the further details for the procedure to be followed as in sub-rule (2), the procedures as laid down under rules 23 to 27 of the Conduct of Elections Rules, 1961 be referred to and suitably followed.

The Commission, in this context, may also issue such instructions, as it considers necessary.

Voter on election duty

38. (1) "A voter on election duty" means a polling Agent, a polling Officer, Presiding Officer or any other public servant who is an elector in the Constituency and who by reason of his being on election duty, is unable to vote at the polling station where he is entitled to vote.

A voter on election duty, who wishes to vote shall at least four days before the date of poll, approach the Returning Officer of the Constituency in respect of which he is a voter and make an application in FORM-14 of APPENDIX-II for the issue of a postal Ballot paper in order to enable him to cast his vote.

(2) The Returning Officer on ascertaining that such voter has been appointed in connection with election, shall -

(a) have the name of the person marked in the Electoral Roll; and

(b) issue a postal ballot paper inside the cover in FORM- 14-A together with declaration in FORM 14-B, a cover in FORM 14 C and a copy of the instructions for guidance of electors in FORM 14-D at Appendix II.

Such voter after recording his vote shall put the Ballot paper in cover in FORM 14-A, seal the same and handover to the Returning Officer in the cover in FORM 14-C closed and sealed.

(4) The Returning Officer shall keep the counterfoil of such ballot paper in a separate sealed cover and shall open the sealed cover in FORM 14-A containing the Ballot paper at the counting immediately before the counting of Ballot papers in the polled ballot Boxes is taken up.

Electors under preventive detention

39. (1) "An elector subjected to preventive detention" means any person subjected to preventive detention under any law for the time being in force, who shall give his vote by postal ballot, and not in any other manner, at an election in a Constituency where a poll is taken, subject to the fulfillment of the requirement that the Government should communicate within 15 days of the calling of an election, ascertain and intimate to the Returning Officer the names of the electors, if any, subjected to preventive detention together with their addresses and Electoral Roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention, may, within 15 days of the calling of an election, send an intimation to the Returning Officer that he wishes to vote by post, specifying his name, address, Electoral Roll number and place of detention.

(3) The Returning Officer shall issue a postal ballot paper together with FORM 14-A, 14-B, 14-C and 14-D of APPENDIX II to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2). All other procedure as in sub-rule 2(a), (3) and (4) of rule 38 shall apply *mutatis mutandis*.

Postal Ballot Papers for Service Voters

40. (1) Every postal ballot paper for Service voters shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language or languages, as the Commission may direct.

(2) The names of the candidates shall be arranged on the postal ballot paper in the order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by addition of their occupation or residence or in some other manner.

Postal ballot papers for other voters

41. The postal ballot paper and its counterfoil for other voters i.e. elector on election duty or elector under preventive detention shall also be of the same form and design as that of "Service voters". In other words, the postal ballot papers for all categories including the service voters shall be common and shall be printed together by the District Election Officer in the manner as laid down under rules 37(2) and 40.

- Right to vote** 42. As laid down under section 33 of the Act, no person whose name has not been entered in any Electoral Roll of any Constituency for the time being in force shall be entitled to vote in that Constituency and no person shall vote in more than one Constituency or more than once in one Constituency, even though his name has been entered in the Electoral Roll more than once:
- Provided that no person shall vote at an election in any Constituency if
- he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1951;
 - he is confined in a prison, whether under a sentence of imprisonment or otherwise or in the lawful custody of the police:
- Provided further that nothing in this sub-section shall apply to person subjected to preventive detention under any law for the time being in force.
- Ballot Box** 43. Every Ballot Box shall be of such design as may be approved by the Commission.
- Ordinary Ballot paper** 44. (1) Every Ballot paper shall have a counterfoil attached there to and shall be in FORM-13 of APPENDIX-II and particulars therein shall be recorded in Assamese language subject to further directions, if any, of the Commission.
- (2) The names of the candidates shall be arranged in the Ballot paper in the same order in which they appeared in the list of contesting candidates prepared and published under rule 27.
- (3) Every Ballot paper shall be of such design as approved by the Commission. The Ballot paper shall be serially numbered.
- Arrangements at polling stations** 45. (1) The Returning Officer shall provide at each polling station sufficient number of ballot boxes, ballot papers, marked copies of electoral roll pertaining to the polling area, instrument for stamping the distinguishing mark on the ballot papers and articles necessary for electors to mark the ballot papers. He shall also provide at each polling station such other equipment and accessories as may be necessary for taking the poll at such polling station as per the list of polling materials appended as FORM 32 of APPENDIX-II.
- (2) Every polling party shall be provided by the Returning Officer with one or more voting compartment(s) within which the elector can mark the ballot paper secretly so that nobody can observe his/her vote.
- (3) The Presiding Officer in each polling station shall display prominently outside the polling station:-
- a notice specifying the polling area or the particulars of electors to be served by the polling station;
 - a copy of the list of contesting candidates; and
 - a list of persons entitled to enter the polling station.
- Admission to Polling stations** 46. The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude all persons other than-
- polling officers;

- (b) each candidate, his election agent and one polling agent of each candidate at a time;
- (c) persons authorized by the Election Authority;
- (d) public servants on duty in connection with election;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm voter who cannot move without help;
- (g) such persons as the Presiding officer may allow from time to time for the purpose of identifying voters or otherwise assisting the Presiding Officer in taking the poll.

**Preparation of
ballot boxes for
poll**

47. (1) The Presiding Officer at each polling station shall immediately before the commencement of the poll allow the candidates and their appointed agents who may be present at such station to inspect the ballot boxes to be used at the poll and demonstrate to them that the boxes are empty. The Presiding Officer shall also demonstrate that the marked copy of the Electoral Roll to be used at the polling station does not contain any mark or entry other than 'P B'. Likewise, Presiding Officer shall also demonstrate to them the bundles of ballot papers and allow them to note the first and last serial numbers of the ballot papers, which will be used at the polling station and also any ballot paper canceled by him on account of its defective nature.

(2) Every ballot box used at a polling station shall bear levels both inside and outside, indicating the serial number, if any, and name of the Constituency the serial number and name of the polling station, the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only) and the date of poll.

(3) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such polling agents present as are desirous of affixing the same and allow every candidate or his polling agent to take note of the serial numbers of papers seals.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein to remains open and shall allow the candidates or their appointed agents who may be present to affix, if they so desire, their own seals as well. The seals used for securing a ballot box shall be affixed in such a manner that after the box has been closed it shall not be possible to open the ballot box without breaking the seals.

(5) The ballot box shall then be placed in full view of the Presiding Officer and the polling agents.

(6) In order to ensure that the Presiding Officer has duly carried out the instructions about the demonstration under sub-rule (1), he is required to read out the declaration in Part-I as prescribed and appended as FORM 34 of APPENDIX II before the commencement of the poll and should himself sign it and should also obtain thereon the signatures of the polling agents present and willing to affix their signatures. The Presiding Officer should also record thereon the name of such polling agent who declines to put his signature. The declaration in Part II shall also be read out by the Presiding Officer and action taken in the similar manner at the time of use of subsequent ballot box (es).

**Preparation of
ballot papers
for issue**

48. Every Ballot Paper, before it is issued to an elector, shall be stamped with distinguishing mark on the back of the ballot paper and the counterfoil. The ballot paper should be signed in full on its back by the Presiding Officer. At the time of issuing ballot paper to the elector the polling officer shall obtain signature or thumb impression of that elector on the counterfoil and mark the name of the elector in the marked copy of the

Electoral Roll to indicate that a ballot paper has been issued to him. No person in the polling station, shall note down the serial number of the ballot paper issued to a particular elector. The polling officer shall record on the counterfoil and Electoral Roll number of the elector as entered in the marked copy of the Electoral Roll and obtain the signature/ thumb impression of the elector on the counterfoil.

- Identification of voters** 49. (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the elector or to assist him otherwise in taking the poll.
- (2) As the voter enters the polling station, the Presiding Officer or the Polling Officer authorized by him shall check the voters name and other particulars with the relevant entry in the Electoral Roll and then call out the serial number, name and other particulars of the voter.
- (3) No objection, as to the eligibility of a voter at the election, shall be made by any person other than a candidate or his appointed agent and such objection shall be made to the Presiding Officer. The Presiding Officer or the polling officer as the case may be, shall overlook mere clerical or printing errors in any entry in the Electoral Roll, if he is satisfied that such person is the same.
- Facilities for women voters** 50. (1) In a polling station set up for both male and female electors, the Presiding Officer may direct that they shall enter into the polling station alternately in separate batches.
- (2) The Returning Officer or Presiding Officer may appoint a woman to act as a helper to the Presiding Officer generally in taking the poll in respect of the women electors and in particular to help in searching any women elector in case it becomes necessary.
- Challenging of identity** 51. (1) Any polling agent may challenge the identity of a person claiming be particular elector by first depositing a sum of Rupees ten only in cash with the Presiding Officer for each such challenge.
- (2) On such deposit being made the Presiding Officer shall-
- (a) warn the person challenged of the penalty for impersonation;
- (b) read the relevant entry in the Electoral Roll in full and ask him/her whether he or she is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in FORM -15 of APPENDIX-II; and
- (d) require him to affix his signature in the said list.
- (3) The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may for this purpose-
- (a) require the person making the challenge to adduce evidence in respect of the identity of the person challenged to adduce evidence in proof of his identity ;
- (b) put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.
- (4) If, after enquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If, the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) to be forfeited

to the Government and in any other case, he shall return the sum to the person making the challenge at the conclusion of the enquiry.

**Safeguards
against
personation**

52. (1) Every elector about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or already has such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the forefinger of the elector is missing, be construed as a reference to any other finger of his left hand, and shall, in the case where all the fingers of his left hand are missing, to be construed as a reference to the forefinger or any other finger of his right hand, and shall when all his fingers of both hands are missing to be construed as a reference to such extremity of his left or right arm as he possesses.

**Maintenance of
secrecy of
voting by
electors within
polling Station
and voting
procedure**

53. Every elector to whom a Ballot Paper has been issued under rule 48 or under any other provision of these rules, shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down, namely:-

- (1) The elector on receiving the Ballot Paper shall forthwith:-
 - (a) proceed to one of the voting compartments;
 - (b) there make a mark on the Ballot Paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
 - (c) fold the Ballot Paper so as to conceal of his vote;
 - (d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;
 - (e) insert the folded Ballot Paper into the Ballot Box; and
 - (f) quit the polling station.

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is inside it.

(4) If an elector to whom a Ballot Paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (1), the Ballot Paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a polling officer under the direction of the Presiding Officer.

(5) After the Ballot paper has been taken back, the Presiding Officer shall record on its back the words "cancelled, voting procedure violated" and put his signature below those words. All such Ballot Papers shall be kept in a separate cover which shall bear on its face, the words "Ballot papers: Voting procedure violated".

(6) Without prejudice to any other penalty to which an elector, from whom a Ballot Paper has been taken back under sub-rule (4), may be liable, the vote, if any, recorded on such Ballot Paper shall not be counted during the counting of votes.

Tendered Votes 54. If a person representing himself to be a particular elector applies for a Ballot Paper after another person has already voted as such elector, he shall on satisfactory answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions, to mark a ballot paper, herein-after referred to as "Tendered ballot paper", in the same manner as any other elector:-

(1) Every such person shall, before being supplied with a Tendered ballot paper, sign his name against the entry relating to him in FORM-17 of APPENDIX-II.

(2) A Tendered ballot paper shall be same as other Ballot papers used at the polling except that -

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "Tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(3) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the Ballot Box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

Recording of votes of blind and inform electors

55.(1) If, the Presiding Officer is satisfied that owing to blindness or other physical infirmity, an elector is unable to recognize the symbols on the Ballot Paper or to make a mark thereon without assistance, the Presiding Officer, shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the Ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the Ballot paper so as to conceal the vote and inserting it into the Ballot Box:

Provided that, no person shall be allowed to act as the companion to more than one elector at any polling station on the same day:

Provided further that, before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The Presiding Officer shall keep a record of the blind and infirm voters in FORM-16 of APPENDIX-II.

Spoilt and returned ballot paper

56. (1) An elector, who has inadvertently spoiled his Ballot paper in such manner that it cannot be conveniently used as a Ballot Paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another Ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt: Cancelled" by the Presiding Officer.

(2) If, an elector after obtaining a Ballot paper decides not to use it, he shall return it to the Presiding Officer and the Ballot paper so returned and the counterfoil of such Ballot paper shall be marked as "Returned: Cancelled" by the Presiding Officer. All Ballot papers cancelled under sub-rule (1) and (2) shall be kept in a separate packet.

Closing of poll

57. (1) The Presiding Officer shall close a polling station at the hours fixed in that behalf under rule 34 and shall not thereafter admit any elector into the polling station:

Provided that, all electors present at the polling station before it was closed shall be allowed to cast their votes.

(2) If any question arises whether a elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

Sealing of ballot boxes after poll

58. (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the Ballot Box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal. The Ballot Box shall, thereafter be sealed and secured.

(2) Where it become necessary to use a second Ballot Box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in the sub-rule (1) before another box is put into use.

Account of Ballot Papers

59. (1) The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in FORM - 18 of APPENDIX-II and enclose it in a separate cover with the words, "Ballot Paper Account" superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefore, and shall also attest it as a true copy.

Account of Paper Seals

60. (1) The Presiding Officer shall also keep a correct account of the paper seals supplied to him for use at the polling station and the paper seals actually used by him for sealing and securing the ballot boxes. Such account shall be maintained by the Presiding Officer in the prescribed FORM -33 of APPENDIX - II.

(2) The Presiding Officer shall allow the candidates or their polling agents present to note down the serial numbers of the paper seals, so supplied for use and actually used and shall ask them to affix their signatures in Part-II of the form at the end of the poll after the other particulars have been filled up by the Presiding Officer.

Declaration to be made at the close the poll

61. In order to ensure that above mentioned requirement of rule 59 regarding furnishing of copies of Ballot Paper account to polling agents are fulfilled by the Presiding Officer, he shall make the declaration in Part-III of FORM -34 of APPENDIX-II and shall obtain the signature of the polling agents present and willing to affix their signatures. The Presiding Officer shall also record the name of the polling agents present who declined to affix their signatures and shall endorse the same under his hand and seal.

Maintenance of diary by the Presiding Officer

62. (1) The Presiding Officer of every polling station shall maintain the diary by which he is required to draw up the proceedings connected with the poll in the polling station as per proforma appended as FORM -35 of APPENDIX - II. The Presiding Officer shall go on recording the relevant events in the diary as and when they occur.

(2) The Presiding Officer's diaries to be used at any election shall be serially numbered and such serial numbers on those diaries shall be given by numbering machines and not by hand and the Presiding Officers shall record their observations only in such machine-numbered diaries and not in any other diary. The Returning Officer shall provide the Presiding Officers with such duly machine-numbered diaries only and shall maintain proper account of every such diary supplied to Presiding Officers.

Sealing of the packets

63.(1) At the close of the poll, the Presiding Officer shall make into separate packets:-

- (a) marked copy of the electoral roll;
- (b) the counterfoils of the used Ballot Papers;

- (c) the Ballot papers, if signed, but not issued to the voters;
 (d) any other ballot paper not issued to the voters;
 (e) the Ballot Papers cancelled for violation of voting procedure under sub rule (4) and (5) of rule 53;
 (f) any other cancelled ballot papers;
 (g) the cover containing the tendered ballot papers and the list in FORM -17;
 (h) the list of challenged votes; and
 (i) any other papers directed by the State Election Commission to be kept in a sealed packet.
- (2) Each such packet shall be sealed with seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.
- Transmission of Ballot Boxes etc. to the Returning Officer** 64. (1) The Presiding Officer shall then, deliver or cause to be delivered to the Returning Officer at such places as the Returning Officer may direct:
- (a) the Ballot Boxes;
 (b) the Ballot Paper account;
 (c) the sealed packets referred to in rule 63; and
 (d) all other papers used at the poll.
- (2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.
- Adjournment of poll in emergencies** 65. (1) If, at any election the proceedings at any polling station are interrupted or obstructed by any riot or open violence or if, at an election it is not possible to take the poll at any polling station or such places on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station or the Returning Officer presiding over such place, as the case may be, shall announce adjournment of the poll to a date to be notified later and where the poll is adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.
- (2) Wherever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Government and the Commission in FORM-36 of APPENDIX-II and shall as soon as may be, with previous approval of the Commission, appoint the day on which poll shall recommence and fix the polling station or place at which and the hours during which, the poll shall be taken and shall not count the votes cast at such election, unless adjourned poll has been completed.
- (3) In every such case as aforesaid the Returning Officer shall notify in such manner as the Commission may direct the date, place and hours of polling fixed under sub-rule (2).
- Procedure on adjourned poll** 66. (1) If the poll at any station is adjourned under rule 65, it shall be deemed as if the poll was closed at the hour fixed in that behalf under rule 34.
- (2) When an adjourned poll is recommenced the voters who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The sealed packet containing the marked copy of the Electoral Roll and new Ballot boxes shall be provided by the Returning Officer to the Presiding Officer of the polling station at which adjourned poll is held. The Presiding Officer shall display the marked copy of the Electoral Roll before the polling agents present and use the marked copy for marking

the names of voters to whom Ballot papers are issued at the adjourned poll. All relevant provisions as were applied before the adjournment of poll shall apply in relation to the conduct of an adjourned poll.

Fresh poll in the case of destruction etc. of Ballot Boxes

67. (1) If, at any election:-

(a) any ballot box used at polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost, or damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained; or

(b) any such error or irregularities in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the Government and the Commission in FORM-37 of APPENDIX-II.

(2) Thereupon, the Commission shall, after taking all material circumstances into account, either:-

(a) declare the poll at that polling station to be void, appoint a day and fix the hours for taking fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

(b) if satisfied that the result of fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such direction to the Returning Officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions of the Representation of the People Act, 1951 and of any rules or orders made thereunder shall apply to every such poll as they apply to original poll.

Adjournment of Poll or countermanding of election on the ground of booth capturing

68. (1) If at any election -(a) booth capturing, as defined in section 135A of the Representation of the People Act, 1951, has taken place at a polling station in such a manner that the result of the poll at that polling station cannot be ascertained, or

(b) booth capturing takes place in any place for counting of vote in such a manner that the result of the counting at that place cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission in FORM - 38 of APPENDIX-II.

(2) The Commission shall, on the receipt of a report from the Returning Officer under sub-rule (1) and after taking all material circumstances into account, either:-

(a) declare that the poll at that polling station be void, appoint a day and fix the hours for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit; or

(b) if satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that Constituency.

PART-IX

Counting of Votes

Time and place for counting

69. (1) The Returning Officer shall, at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:

Provided that, if for any reason the Returning Officer finds it necessary to do so he may alter the date, time and place so fixed or any of them, after giving notice of the same in writing to each candidate or his election agent.

(2) However, under the directions and instructions of the Commission, the Returning

	Officer shall fix the place(s) for counting of votes immediately after the last date of withdrawal of candidature and shall submit proposal to the Commission for approval in the proforma appended as FORM -39 of APPENDIX-II.
Appointment of counting agents and revocation thereof	70. Each candidate may appoint in FORM - 10 (A) of APPENDIX-II as many counting agents as there are counting tables for counting of votes polled at the election that he contests and one more to watch the counting at the Returning Officers table, and may revoke such appointment in FORM-11 (A) of APPENDIX-II.
Admission to the place fixed for counting	71. (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except- (a) such persons to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting. No person who has been working for or employed by candidates shall be appointed to assist the Returning Officer in counting; (b) persons authorized by the Commission; (c) public servants on duty in connection with election; and (d) candidates, their election agents and counting agents. The Returning Officer shall decide which counting agent shall watch the counting at any particular table. (2) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where votes are being counted by the Returning Officer or by any police officer on duty or by any person authorized in this behalf by the Returning Officer.
Maintenance of Secrecy of voting	72. Every officer, clerk, agent or other persons, who performs, any duty in connection with the recording or counting of votes at an election, shall maintain, and aid in maintaining, the secrecy in voting and shall not, except for some purpose authorized by or under any law, communicate to any person any information calculated to violate such secrecy.
Counting of votes received by post	73. (1) The Returning Officer shall first deal with the postal ballot papers which shall be counted first. The covers in FORM-14 A containing postal ballot papers received after the hour fixed for the commencement of the counting of votes should not be opened. They should be rejected and kept in a separate packet and sealed. The covers in FORM-14A received on time should be opened one after another in presence of the candidates or their election agents and counting agents. (2) The Returning Officer shall count all the valid votes in the sealed covers in FORM-14 A and record the total number thereof in the result sheet FORM-19 APPENDIX-II and announce the same. (3) Thereafter, all the valid Ballot Papers and all rejected Ballot Papers shall be separately bundled and kept together in a packet which shall be sealed with the seal of the Returning Officer and of such candidates, their election agents or counting agents as may desire to affix their seal and shall record the name of the Constituency, the date of counting and a brief description of the content. (4) A ballot paper received in sealed cover may be rejected on the grounds mentioned in rule 75.
Scrutiny and Opening of Ballot Boxes	74. (1) The Returning Officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.

(2) Before a ballot box is opened at a counting table the counting agents present at that table shall be allowed to inspect the seals as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the Ballot Boxes has, in fact, been tampered with.

(4) If, the Returning Officer is satisfied that any Ballot Box has in fact, been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 67 in respect of that polling station.

**Counting of
Votes and
Scrutiny of
Ballot Papers**

75. (1) The Ballot paper taken out of each ballot box of each polling station shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a Ballot paper:-

- (a) if, it bears any mark or writing by which identified; or
- (b) if no vote is recorded thereon; or
- (c) if, it bears no mark at all or to indicate the vote, it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or it bears a mark made otherwise than with instrument supplied for the purpose; or
- (d) if, votes are given on it in favour of more than one candidate; or
- (e) if, the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate, the vote has been given; or
- (f) if, it is a spurious ballot paper,
- (g) if it is so damaged or mutilated that its identity as a genuine Ballot Paper cannot be established; or
- (h) if, it bears a serial number or is of a design, different from the serial numbers or as the case may be, design, of the Ballot Papers authorized for use at the particular polling station; or
- (i) if, does not bear both mark and the signature which it should have been borne under rule 48; or
- (j) cover in FORM-14 A if not returned in the cover sent along with it to the elector by the Returning Officer:

Provided that, where the Returning Officer is satisfied that any such defect mentioned in clause (h) or (i) has been caused by any mistake or failure on the part of the Presiding Officer or polling officer, the Ballot paper shall not be rejected merely on ground of such defect:

Provided further that, a ballot paper shall not be rejected merely on ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall allow each counting agent a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall endorse on every ballot paper rejected by him the word "rejected" and the ground of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

**Counting of
ballot papers
and sealing of**

76. (1) Every ballot paper which is not rejected under rule 75, shall be counted as one valid vote for the candidate in favour of whom voting mark has been duly given provided that no cover containing tendered vote shall be opened and no such paper shall be counted.

used ballot papers	<p>(2) After the counting of all the ballot papers contained in all the ballot boxes used at a polling station has been completed.</p> <p>(a) the counting supervisor shall fill in and sign part-(II)- result of counting in FORM-18 of APPENDIX-II, which shall also be signed by the Returning Officer on verification; and</p> <p>(b) the Returning Officer shall make the entries in a result sheet in FORM-19 of APPENDIX-II and announce the particulars.</p> <p>(3) The valid ballot papers of each candidate and the rejected ballot papers shall thereafter, be bundled separately and the several bundles made up into a separate packet which shall be sealed with the Returning Officer and affix their seals thereon and on packets so sealed shall be recorded the following particulars, namely:-</p> <p>(a) name of the Constituency;</p> <p>(b) the particulars of polling station where the ballot papers have been used; and</p> <p>(c) the date of counting.</p>
Mixed counting and procedure	<p>77. Where the Commission apprehends intimidation and victimization of electors in any Constituency and it is of the opinion that it is absolutely necessary thereof that the ballot papers taken out of all boxes used in that Constituency should be mixed before counting, it may, by notification in the State Gazette, specify such Constituency and for counting of such ballot papers, the provisions under rules 59 A, 59 B, 56 B and 57 B of the Conduct of Elections Rules, 1961 shall apply <i>mutatis mutandis</i> subject to the directions and instructions of the Commission. In that event, the forms concerned for use as the ballot paper account and the result sheet shall be such as at FORM 18-A and FORM 19-A of APPENDIX-II respectively prescribed for such cases.</p>
Counting to be continuous	<p>78. (1) The Returning Officer, shall, as far as practicable, proceed continuously with the counting and shall during the intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and seals of such candidates or election agents as may desire to affix their seals and take sufficient precautions for their safe custody during the intervals.</p> <p>(2) Subject to the directions and instructions of the Commission in regard to the counting of votes, at the end of each round of counting, a certificate should be obtained in FORM-40 of APPENDIX-II from the candidates or their election agent or in their absence, from their counting agents that they are satisfied in regard to the counting in that round. If anyone has any complaint or doubt with regard to the counting at any counting table, the same should be appropriately dealt with and disposed of then and there by the Returning Officer.</p> <p>The Returning Officer shall follow this procedure very meticulously to minimize the scope for raising any claim for recount by the candidates or their election agents or counting agents under rule 80.</p>
Recommencement of counting after fresh poll	<p>79. (1) If a fresh poll is held under rule 67, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.</p> <p>(2) The provisions of rule 75 and 76 shall apply so far as may be to such further counting.</p>
Recount of votes	<p>80. (1) After the completion of counting, the Returning Officer shall record in the result sheet in FORM-19 of APPENDIX-II the total number of votes polled by each candidate and announce the same.</p>

(2) After such announcement has been made, a candidate, or in his absence, his election agents or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the ground on which he demands such recount.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow the application a whole or in part or may reject it totally if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reason thereof.

(5) If the Returning Officer decides under sub-rule (3) to allow recount of the votes either wholly or in part; he shall:-

(a) do the recounting in accordance with rule 75 and 76;

(b) amend the result sheet in FORM 19 to the extent necessary after such recount;

(c) announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the Result sheet in FORM 19 and no application for recount shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on completion of the counting until the candidates and election agents present have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

Destruction, loss of ballot paper at the of counting

81. (1) If, at any time before the counting of votes is completed any ballot etc. paper used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or time are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Commission.

(2) Thereupon the Commission shall, after taking all material circumstances into account either-

(a) direct that the counting of vote shall be stopped, declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such a manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election, issue such directions to the Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of the Representation of the People Act, 1951 and of any rules or orders made there under shall apply to every such fresh poll as they apply to original poll.

Equality of votes

82. If, after the counting of the votes is completed an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by drawing of lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Declaration of result and publication thereof

83. The Returning Officer shall immediately after completion of counting and signing of the result sheet in FORM-19 declare in FORM-20 of APPENDIX-II, the candidate securing the largest number of valid votes as elected under provisions of section 5(1)

read with section 34 of the Act and hang up the same in his office and shall send signed copies thereof to the Commission along with a report to that effect. The Commission shall cause the names of the elected candidates published in the Official Gazette by a notification and upon issue of such notification the General Council shall be deemed to be duly constituted under provisions of section 39 of the Act:

Provided that the issue of such notification shall not be deemed -

(a) to preclude-

(i) the taking of the poll and the completion of the election in any Constituency or Constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (iv) of rule 18; or

(ii) the completion of the election in any Constituency or Constituencies for which time has been extended under provisions of rule 111;

(b) to affect the duration of the General Council, if any, functioning immediately before the issue of the said notification.

Date of Election of Candidate

84. For the purposes of the Act and these rules, the date on which a candidate is declared by the Returning Officer under the provisions of rule 30 or rule 83, to be elected to the General Council shall be the date of election of that candidate.

Grant of certificate of Election to the returned candidate

85. (1) As soon as may be after a candidate has been declared to be elected, the Returning Officer shall grant to such candidate a certificate of election in FORM-21 of APPENDIX-II and obtain from him an acknowledgement of its receipt signed by him and immediately send the acknowledgement by registered post to the Commission.

(2) Every elected candidate, shall before taking his seat make and subscribe before such person as may be appointed by the Government in this behalf, an oath or affirmation in FORM 22 of APPENDIX-II.

Custody of Election papers

86. The District Election Officer shall keep in safe custody --

- (a) the packets of unused Ballot papers with counterfoils attached thereto;
- (b) the packets of used Ballot papers whether valid, tendered or rejected;
- (c) the packets of counterfoils of used Ballot papers;
- (d) the packets of marked copy of the Electoral Rolls; and
- (e) all other papers relating to elections and other paper as directed by the Commission to be kept in sealed packets, each such packets shall be sealed with the seal of the Returning Officer, and with the seal of candidates, their election agents, counting agent who may be present at the polling station and may intend to affix his seal thereon.

PART - X

Requisitioning of premises, vehicles for the purpose of election

Requisitioning of Premises, vehicles etc.

87. (1) If, it appears to the Collector that in connection with an election under the Act and these rules-

- (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Collector may by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-rule until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Collector to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-rule (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule.

(4) For the purposes of this rule "Premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof, and "Vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

Payment of compensation

88. (1) Whenever in pursuance of rule 87, any premises are requisitioned, there shall be paid to the persons interested compensation, the amount of which shall be determined by taking into consideration the following, namely:

(i) the rent payable in respect of the premises or if no rent is so payable, it shall be determined on the basis of the rent payable for similar premises in the locality;

(ii) if, as a consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses if any, incidental to such change is also payable:

Provided that where any person interested being aggrieved over the amount of compensation so determined makes an application within thirty days to the State Government, the amount of compensation to be paid shall be such as the State Government may determine. The decision of the State Government shall be final.

In this sub-rule the expression "person interested" means the person who was in actual possession of the premises requisitioned under rule 87 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of rule 87 any vehicle, vessel or animal are requisitioned, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where, immediately before requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the

owner, the amount determined under this sub-rule as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such a manner as the Collector may decide.

**Manner of
serving order of
requisition**

89. An order of requisition under rule 87 shall be served –

(a) where the person concerned to whom such order is addressed is an individual-

(i) by delivering or tendering the order, personally; or

(ii) by registered post with acknowledgement due; or

(iii) if, a person cannot be found, by leaving an authentic copy of the order with any adult member of his family, or by affixing such copy to some conspicuous place in which he is known to have last resided or carried on business or personally worked for gain.

(b) Where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX as the case may be, in the First Schedule of the Code of Civil Procedure, 1908.

**Eviction from
requisitioned
premises**

90. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under rule 87 may be summarily evicted from the premises by the Collector or any other officer empowered by him in this behalf.

(2) The Collector or any other officer empowered by him in this behalf, may after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

**Penalty for
contravention of
order of
requisition**

91. If any person contravenes any order made under rule 87, he shall be punishable with imprisonment for a term, which may extend to one year or with fine or with both.

**Release of
premises from
requisition**

92. (1) When any premise requisitioned under rule 87 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when premises were requisitioned, or if there were no such person, to the person deemed by the Collector to be the owner of such premises, and such delivery of possession shall be a full discharge of the Collector from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where a person to whom possession of any premises requisitioned under rule 87 is to be given under sub-rule (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery of possession on his behalf, the Collector shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and shall display such notice on the office notice board of the Collector.

(3) When a notice referred to in sub-rule (2) is affixed, the premises specified in such notice shall cease to be subject of requisition on and from the date of such affixing and be deemed to have been delivered to the person entitled to such possession thereof and the Collector shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

PART-XI**Electoral offence**

Electoral offence 93. (1) A person shall be guilty of an electoral offence, if at any election, he-

- (a) fraudulently destroys or fraudulently defaces any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or
- (c) fraudulently defaces or fraudulently destroys any Ballot paper or the official mark on any Ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) without due authority, supplies any Ballot paper to any person or receives any Ballot paper from any person or is in possession of any Ballot paper; or
- (e) fraudulently puts into any Ballot Box anything other than the Ballot paper which he is authorized by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any Ballot Box or Ballot papers than in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall be punishable with imprisonment for a term which may extend to six months or with fine or with both. The offence punishable under this rule shall be cognizable.

(3) Apart from the electoral offences specified under sub rule (1), a person shall also be guilty of any of the corrupt practices and electoral offences as laid down under Chapters I and III of Part VII, covered by sections 123 to 136 of the Representation of the People Act, 1951 and shall be liable to such punishment (s) as prescribed for each of such corrupt practices and electoral offences.

PART-XII

Grant of paid holiday to Employees on the day of poll

94. (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the General Council shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-rule (1) and if such person is employed, on the basis of that he would not ordinarily received wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(3) If an employer contravenes the provisions of sub-rule (1) or sub-rule (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This rule shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

Restriction on the sale or distribution of liquor within a

95. (1) No spirituous, fermented or intoxicating liquors or other instances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll and if necessary, for the day

**polling area on
poll day And on
the counting
day.**

thereafter for any election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1), shall be punishable with imprisonment for term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this rule, the spirituous fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in the manner as prescribed under the State Laws.

(4) In the interest of free, fair and smooth conduct of any election 'dry days' shall also be declared and notified under the relevant State Laws for the day (s) on which counting of votes is taken up. Such dry day (s) shall be declared for the period, namely:-

(i) the day before the counting of votes;

(ii) the counting day (s); and,

(iii) the day immediately after counting, if considered necessary.

The penal and other provisions as in sub-rules (2) and (3) above shall equally apply for any contravention under this sub-rule also.

(5) Under the provisions of sub-rule (1) and (4) the State Government shall declare such dry day(s) and notify accordingly in the State Gazette and shall strictly implement the measures laid down under sub-rules (2) and (3) above.

PART-XIII

Disputes regarding Elections and Election petitions

**Disputes
regarding
Elections and
Election petitions**

96. (1) As provided under section 41 (1) of the Act, no election shall be called in question except by an election petition presented in such manner as may be and prescribed and before such authority as may be appointed by the Government. from time to time, by notification in the Official Gazette:

Provided that no person below the rank of a District Judge within the meaning of Article 236 of the Constitution shall be appointed for the purpose.

(2) No Election shall be called in question except on any one or more of the grounds mentioned under section 41(2) of the Act:

(3) An election petition may be presented by any candidate or any elector who is entitled to vote at the election to which the petition relates within a period of 30 days from the date of election of the returned candidate. Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be true copy of the petition.

(4) The petition shall contain a statement in brief of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner as laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.

(5) The petitioner may, in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.

(6) At the time of presenting an election petition the petitioner shall deposit on obtaining order of the Adjudicating Authority, as security for the cost of petition, a sum of two hundred rupees. During the course of trial of an election petition, the Adjudicating Authority may at any time, call upon the petitioner to give such further security for cost as it may direct.

(7) The Adjudicating Authority shall, if the deposit in accordance with sub-rule (6) has been made, proceed to enquire into the petition.

(8) The Adjudicating Authority shall, as soon as may be, cause a copy of the petition to be served on each opposite party.

Procedure to be followed

97. Every dispute relating to election shall be enquired into by the Adjudicating Authority as early as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to trial of suits.

The provision of the Indian Evidence Act, 1872 (1 of 1872) shall apply in all respects to the trial of an election petition.

Withdrawal of election petition

98. (1) An election petition may be withdrawn only by the leave of the Adjudicating Authority.

(2) Where an application for withdrawal is made under sub-rule (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

(3) If, there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(4) No application for withdrawal shall be granted, if in the opinion of the Adjudicating Authority such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted, the petitioner shall be ordered to pay such cost to the opposite party as the Adjudicating Authority may think fit.

Decision of the Authority

99. At the conclusion of the trial of an election petition, the Adjudicating Authority shall make an appropriate order:

- (a) dismissing the election petition; or
- (b) declaring the elections of all or any of the returned candidates to be void; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected;
- (d) also determine the cost to be paid.

The order of the Adjudicating Authority under this rule shall be communicated forthwith to the Commission and the Government.

Grounds for declaring an Election to be void

100. (1) Subject to the provisions of sub-rule (2) of this rule, if the Adjudicating Authority is of the opinion –

- (a) that, on the date of election a returned candidate was not qualified, or was disqualified under rule 20 to be chosen to fill the seat in the General Council; or

(b) that, any corrupt practice has been committed by a returned candidate or his election agent, or any other person with the consent of the returned candidate or his election agent; or

(c) that, any nomination has been improperly rejected; or

(d) that, the result of the election, in so far as it concerns the returned candidate, has materially affected -

- (i) by the improper acceptance of any nomination; or
- (ii) by any corrupt practice committed in the interest of the returned candidate by an agent other than his election agent; or
- (iii) by improper reception, refusal or rejection of any vote or the reception of any vote which is void; or
- (iv) by any non-compliance with the provisions of the constitution of the Act or of any rules or order made under the Act.

(e) that, a returned candidate or his agent or any other person with the connivance of such candidate or agent has committed or abetted the Commission of any election offence falling under Chapter IX-A of the Indian Penal Code (45 of 1860) or any law or rule relating to infringement of the secrecy of an election, then the election of such candidate shall be void.

(2) If, the Adjudicating Authority is of the opinion that corrupt practice specified in sub rule (1) which does not amount to any form of bribery, has been committed, and the Adjudicating Authority is of further opinion that-

(a) no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate or his election agent;

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the Adjudicating Authority may decide the election of the returned candidate to be not void.

Grounds on which a candidate other than the returned declared elected

101. If, any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Adjudicating Authority is of opinion:-

(a) that, in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that, but for the votes obtained by the returned candidate by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes, the Adjudicating Authority shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

Fresh election at Courts Order

102. When an election is declared void under rule 99 the seat of the returned candidate shall be deemed to be vacant from the date of the order of the Adjudicating Authority and

the Commission shall forthwith take necessary steps for holding election for filling the seat.

PART-XIV

Miscellaneous

Election to more than one seat

103. (1) Under provisions of section 40 of the Act read with rule 84 of these rules if a person is elected to more than one seat in the Council or chosen to be a member of the Parliament or of the State Legislature then unless within fourteen days from the date of his election he resigns all but one of the seats by writing under his hand addressed:

- (a) to the Speaker or Chairman, as the case may be of the Council or of the House; or
 - (b) where the office of the Speaker or Chairman for the time being vacant or is deemed to be, in abeyance, to the Deputy Speaker or the Deputy Chairman of the Council or of the House; or
 - (c) where the post of the Deputy Speaker or Deputy Chairman is also for the time being vacant or is, deemed to be, in abeyance, to the Commission,
- all the seats shall become vacant.

(2) Where the resignation has been addressed to the Commission under sub-rule (1), the Commission shall, as soon as may be after the receipt of the resignation, send a copy thereof to the Secretary of the Council or of the House concerned.

Election Expenses

104. (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both days inclusive.

Particulars of Account of election expenses

(2) The account shall contain the following particulars in respect of each item of expenditure from day to day, namely:-

- (a) the date on which the expenditure was incurred or authorized;
- (b) the nature of the expenditure e.g.:
 - (i) traveling;
 - (ii) cost of postage;
 - (iii) printing cost of leaflets, posters etc.;
 - (iv) petrol and other lubricants;
 - (v) hiring charges of the vehicles;
 - (vi) meetings/ processions;
 - (vii) refreshments;
 - (viii) camp office expenses;
 - (ix) other miscellaneous expenses and the likes.
- (c) the amount of the expenditure:
 - (i) the amount paid;
 - (ii) the amount outstanding.
- (d) the date of payment;
- (e) the name and address of the payee;
- (f) the serial number of vouchers, in case of amount paid;
- (g) serial number of bills if any, in case of amount outstanding;
- (h) the name and address of the person to whom the amount outstanding is payable (to be submitted with a certificate on the body of the bills certifying that the expenditure

was actually incurred).

(3) A voucher shall be obtained for every item of expenditure unless from the nature of the case, such as postage, travel by rail and the like, it is not practicable to obtain a voucher. All such vouchers shall have to be countersigned by the candidate.

(4) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his election agent and such serial number shall be entered in the account under item (e) of sub rule (2).

(5) It shall not necessary to give the particulars mentioned in item (e) of sub rule (2) in regard to items of expenditure for which vouchers have not been obtained under sub-rule (3).

**Maximum
Election Expenses**

105. The total of the expenditure of which account is to be kept under rule 104 and which is incurred or authorized to be incurred in connection with an election shall not exceed Rs. 70,000.00 (Rupees seventy thousand) only in any one Council Constituency subject to the revision of the quantum of the amount by the Commission in consultation with the Government from time to time.

**Lodging of the
account of
Election expenses
with the district
election officer**

106. (1) Every contesting candidate at an election shall, within thirty days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under rule 104 duly verified by an auditor of a local body. Such account of election expenses shall be submitted in FORM 41 of APPENDIX II.

(2) The District Election Officer shall, therefore, issue a letter to all the contesting candidates in every Constituency within three days of the date of election of the returned candidate intimating his name, designation and address for lodging the accounts of election expenses and also the last date before which the account should reach him.

(3) If a candidate contests election from more than one Constituency he has to lodge a separate account of election expenses for every election, which he contests. The election for each Constituency is a separate election.

**Report to the
Commission by
the District
election Officer**

107. (1) Immediately after the last date for filling accounts of election expenses has expired, and in any case not later than the tenth day after such expiry date, the District Election Officer shall report to the Commission in FORM-42 of APPENDIX-II -

(i) the name of each candidate whose name was included in the list of contesting candidates;

(ii) whether the candidate had lodged his account of election expenses;

(iii) if so, the date on which the account has been lodged; and

(iv) whether in the opinion of the District Election Officer the account has been lodged within the time and in the manner required under these rules and Commission's directions, if any in this regard.

(2) If any candidate has not submitted his account by the time the District Election Officer would send his report, his name should also be included with the remarks that the account has not been lodged.

(3) Whenever the District Election Officer reports that an account lodged by a contesting

candidate is not in the manner required under these rules and the Commission's directions, if any, he shall along with his report, forward to the Commission that account and the documents accompanying it.

(4) The District Election Officer shall not send with his report those accounts which he considers to have been lodged in the manner required under rules, unless specifically asked for by the Commission in any case.

(5) Since the return of election expenditure filed by a candidate has to reflect the correct account of all election expenses, the District Election Officer, before accepting the account of the candidate as being in accordance with the manner prescribed, may conduct such enquiry as he deems necessary, and shall certify in this report to the Commission that the document filed before him were verified and that the statement of account was filed in the manner prescribed.

Disqualification and removal thereof by the Commission

108. (1) The Commission on receipt of the report of District Election Officer shall take such action against the defaulting candidates, and, after considering the representation submitted by such candidates, if it is satisfied that a candidate -

(a) has failed to lodge an account of election expenses within the time and in the manner required under these rules; and

(b) has no good reason or justification for the failure, the Commission shall, by order published in the Official Gazette, declare him to be disqualified for a period as it considers proper but such period may be extended up to a maximum period of three years.

(2) However, the Commission may, for reasons to be recorded, remove any disqualification or reduce the period of any such disqualification.

Filling up of casual vacancies

109. Under provisions of section 37 of the Act, when the seat of a member becomes vacant by reason of his death, resignation, removal or otherwise, the Commission shall, by a notification in the Official Gazette, call upon the Council Constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of the Act and these rules shall apply, as far as may be, in relation to the election of a member to fill such vacancy.

Time limit for filling vacancies

110. Notwithstanding anything contained in section 37 of the Act, a bye election for filling any vacancy referred to in the said section shall be held within a period of six months from the date of the occurrence of the vacancy:

Provided that nothing contained in this rule shall apply if

(a) the remainder of the term of a member in relation to a vacancy is less than one year; or

(b) the Commission in consultation with the State Government certifies that it is difficult to hold the bye-election within the said period.

Extension of time for completion of election

111. Under provisions of section 42 (c) of the Act, it shall be competent for the Commission for reasons which it considers sufficient to extend the time for the completion of any election by making necessary amendments in the notification issued by it under rule 18 of these rules.

Officers and staff to be made available for election works

112. (1) Under provisions of section 42(b) of the Act, the Government either of the State or Central shall, when so requested by the Commission make available to the Commission such officers and staff as may be necessary in connection with the conduct of an election.

	<p>(2) The following authorities shall also make available such staff as may be necessary for the performance of any duties in connection with an election:</p> <p>(i) every local authority;</p> <p>(ii) every university established or incorporated by or under a Central, Provincial or State Act;</p> <p>(iii) a Government Company as defined under section 2(45) of the Companies Act, 2013;</p> <p>(iv) any other institution, concern or undertaking which is established by or under a Central, provincial or State Act or which is controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.</p>
Observers	<p>113. (1) Besides the officers specified under Part- III of these rules, the Commission under provisions of section 42 (b) and (c) of the Act, if considers necessary, may, in consultation with the Government, nominate an Observer who shall be a senior officer of the Government to watch the conduct of election or elections in a Constituency or a group of constituencies on behalf of the Commission and to perform such other functions as may be entrusted to him by the Commission.</p> <p>(2) An Observer shall work under the superintendence, control and discipline of the Commission for the period of elections for which he shall be so nominated by the Commission. The powers and duties of an Observer shall be similar to the powers and duties as laid down for such an officer under section 20 B (2) of the Representation of the People Act, 1951 subject to the control and direction of the Commission.</p>
Custody of election papers	114. The District Election Officer shall keep in custody packets referred to in rule 63 and all other papers relating to election.
Production and Inspection of Election papers	<p>115. The District Election Officer shall keep in safe custody –</p> <p>(a) the packets of unused Ballot Papers with counterfoil attached thereto;</p> <p>(b) the packets of used Ballot Papers whether valid, tendered or rejected;</p> <p>(c) the packets of the counterfoils of used Ballot papers; and</p> <p>(d) the packets of marked copy of the electoral roll.</p> <p>These packets shall not be opened and therein contents shall not be inspected by or produced before any person or authority except under the order of the Adjudicating Authority.</p>
Disposal of Election papers	<p>116. Subject to any direction to the contrary given by the Commission or the Adjudicating Authority under the provisions of the Act,</p> <p>(a) packets of unused Ballot Papers shall, to any direction to the contrary given by the Commission, be retained for a period of six months from the date of the election and shall thereafter be destroyed in such a manner as the Commission may direct;</p> <p>(b) the other packets referred to in rule 63 shall be retained for a period of one year from the date of election and shall thereafter be destroyed;</p> <p>(c) all other papers relating to election shall be retained for such period as the Commission may direct in that behalf.</p>
Return or	117. (1) Deposit made under rule 22 either be returned to the person making it or to his

**forfeiture of
candidates
deposits**

legal representative or forfeited to the Government in accordance with the provisions of this rule.

(2) Except as hereinafter mentioned in the rule, the deposit shall be returned, as soon as possible, after the result of the election is declared.

(3) If, the candidate is not included in the list of contesting candidate, or he dies before the commencement of the poll, the deposit shall be returned as soon as practicable, after the publication of such list or after the death, as the case may be.

(4) The deposit shall be forfeited, if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one sixth of the total valid votes polled by all the candidates.

PART-XV**Election of Chairman, Deputy Chairman and Executive Council Members****First meeting of
the General
Council**

118.(1) The first meeting of the General Council shall be held within fifteen days from the date of publication of the result of elections of members under rule 83:

Provided that the Government may extend the period of fifteen days by such period as it may think fit.

(2) Under provisions of section 5 (3) of the Act, the first meeting shall be convened by an Officer authorized by the Government for the purpose of constitution of the Executive Council after the election. Such authorized officer shall convene the first meeting of the General Council by sending notice to the elected members specifying therein the date, time and place of the meeting in their registered addresses, at least seventy two hours before the time fixed for such meeting.

(3) At the meeting referred to in sub-rule (1), the elected members shall elect from amongst themselves by a secret ballot, adopting the same procedure as provided at rule 119. one of the members to be the protempore Chairman of the meeting to conduct the proceeding where he shall also cast his vote and elect from amongst themselves :-

- (a) one member to be the Chairman;
- (b) one member to be the Deputy Chairman;
- (c) one Chief Executive Councilor of the Executive Council;
- (d) as many Executive Councilors as may be decided by the General Council, but not exceeding one third of the total numbers of members of the General Council.

**Election of
Chairman
Procedure thereof**

119. (a) An elected member present may propose an elected member for the office of the Chairman;

(b) the proposal so made shall be seconded by another elected member;

(c) if, there is only one candidate duly proposed and seconded, the Presiding Officer shall forthwith declare such candidate to be elected;

(d) if, there are more than one such candidate for office of the Chairman, the pro tempore Chairman of the meeting shall supply to each elected member a voting paper containing the names of candidates, who have been duly proposed and seconded and after putting his signature on the back of the voting paper and obtaining the signature of each such member in the attendance sheet for the meeting in token of receipt of voting paper;

(e) each elected member shall record his vote by putting a (✓) tick mark in the space opposite to the name of the candidate for whom he intends to vote, fold the voting paper so as to maintain secrecy of the vote recorded and then deliver the voting paper to the pro tempore Chairman of the meeting;

(f) as soon as, all the voting papers have been delivered to the pro tempore Chairman of

the meeting, he shall proceed with counting the valid votes secured by the individual candidate after rejecting any voting paper-

- (i) which does not bear on its back, the signature of the President of the meeting; or
- (ii) if the (✓) tick mark is placed opposite the names of more than one candidate; or
- (iii) if the (✓) tick mark is placed against the name of a candidate cannot be ascertained.

(g) after completion of counting of valid votes secured by the individual candidate, the pro tempore Chairman of the meeting shall declare the candidate to whom largest number of valid votes has been given to be elected as Chairman. In case of equality of votes between any candidates the pro tempore Chairman shall decide by drawing of lots as under rule 82 and proceed as if the candidate on whom the lot falls has received an additional vote.

**Election of
Deputy
Chairman and
the members of
the Executive
Council**

120. The procedure laid down in rule 119 shall apply in case of election of Deputy Chairman, Chief Executive Councilor and Executive Councilors at the meeting convened under rule 118.

**Election of
Chairman in case
of vacancy**

121. (a) In the case of a vacancy in the office of the Chairman or Deputy Chairman as the case may, by reason of death, resignation, removal or otherwise, a new Chairman or Deputy Chairman as the case be, shall be elected at a meeting of the General Council within one month of the occurrence of such vacancy;

(b) the meeting shall be convened by the Chief Executive Councilor on such date and place as the Government may fix;

(c) notice of such meeting shall be given by the Chief Executive Councilor at least ten days before the date fixed for such meeting, by causing it to be sent to the registered addresses of each member at least seventy two hours before the time fixed for such meeting;

(d) the procedure for election of the Chairman or the Deputy Chairman as the case may be, shall be as laid down in rule 118 and the Chairman in case of election of Deputy Chairman and the Deputy Chairman in case of election of Chairman shall preside over such meeting. In a situation when the offices of both Chairman and Deputy Chairman are vacant, the procedure prescribed in rules 118, 119 and 120 shall apply.

**Filling up of
casual vacancy
Executive
Member**

122. Any casual vacancy among the members of the Executive Council occurring by reason of death, resignation, removal or of otherwise shall be filled up through election by the members of the General Council in the same manner as prescribed under rules 118, 119 and 120 of these rules.

PART-XVI
General Provisions

**Removal of
difficulties, if any,
by the
Government**

123. (1) The Government may after consulting the Commission issue such general or special instruction as may in its opinion be necessary for the purpose of giving effect to these rules for holding any election under these rules.

(2) If any difficulty arises in giving effect to the provisions of these rules or holding of any elections under rules, the Government as the occasion requires may in consultation with the Commission by order, do anything which appears to it to be necessary for the purpose of removing the difficulties.

Matters not covered in these rule to be guided by the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and the rules framed there under

124. As regards matters not provided in these rules such matters shall be guided by the provisions of the Representation of the People Act, 1950 (43 of 1950) and the Representation of the People Act, 1951 (43 of 1951), and the rules framed there under namely, the Registration of Electors Rules, 1960 and the Conduct of Elections Rules, 1961 respectively.

APPENDIX-IFORM-I

[See rule-16(1)]

Notice of publication of electoral roll in draft

To

The Electors of the.....Constituency.

Notice is hereby given that the electoral roll has been prepared in accordance with the

.....Autonomous Council (Election) Rules, 2021.

The qualifying date for the preparation of the electoral roll is

If, with reference to the above said qualifying date, there be any claim for the inclusion of a name in the roll or any objection at the inclusion of name or any objection to particulars in any entry, it should be lodged on or before the..... 200..... In Form 2,3 or 4 of Appendix-I as may be appropriate.

Every such claim or objection should either be presented in my office or to..... or sent by post of the address given below so as to reach me not later than the aforesaid date.

.....
Electoral Registration Officer,

Date.....

(Address).....

APPENDIX-IFORM-02

[See rule 16(2)]

Claim application for inclusion of name

To

The Electoral Registration Officer,

.....Autonomous Council Constituency.

Sir,

I request that my name be included in the electoral roll for the above constituency in Part No..... relating to.....

My name (in full) Sex

My Father's/Mother's/Husband's name.....

Particulars of my place of residence are.....

House No.....

Street/Mohalla.....

Town/Village.....

Post office.....

Police Station/Tehsil/ Taluka/ Mouza.....

District.....

I hereby declare that to the best of my knowledge and belief-

I am a citizen of India;

My age on the day of January last was... Years and.....months;

I am ordinarily resident at the address given above;

I have not applied for the inclusion of my name in the electoral roll for any other constituency;

(v) My name has not been included in the electoral roll for this or any other Autonomous Council Constituency.

Place
Date

Signature or thumb Impression. of claimant

NOTE: Any person who makes statement on declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 31 of the Representation of the People Act 1950.

.....(Perforation).....

Intimation of action taken

The application in Form 2 of Shri / Shrimati/Kumari

Address has been, -

(a) accepted and his/her name has been included in the electoral roll vide Serial No.....in

Part No.....

(b) rejected for the reason

Date	Electoral Registration Officer
	(Address).....

.....(Perforation).....

Receipt for application

Received the application in Form 2 from Shri/ Shrimati/ Kumar*

.....address*.....

Date	Electoral Registration Officer
	(Address).....

To be filled in by the applicant,

APPENDIX-I**FORM-3**

[See rules-16(3)]

Application for deletion of entry in electoral roll

To

The Electoral Registration Officer,

..... Autonomous Council Constituency.

Sir,

I submit that the entry at Serial No. in Part No. of the electoral roll for the above mentioned Constituency relating to *Shri/ Srimati/ Kumari *son/ wife/ daughter of requires to be declared as the said person is dead */is no longer ordinarily resident in this locality* / is not entitled to be registered in the electoral roll for the following reason:-

.....

.....

.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief. I declare that I am an electoral of this Constituency, being enrolled at Serial No. in Part No. of the roll.

Date

Place

Signature/thumb impression of objector
(Full Postal Address)

NOTE :- Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 31 of the Representation of the People Act, 1950.

*Strike out the inappropriate words.

.....(Perforation)

Intimation of action taken

The application in Form 3 lodged by Shri/Shrimati/Kumari:

Address

Has been, -

- (a) accepted and the names of Shri/ Shrimati/ Kumari *..... as appearing at Serial No. in Part No. has been deleted.
- (b) Rejected for the reason
-

Date

Electoral Registration Officer
(Address)

.....(Perforation)

Receipt for Application

Received the application in Form 3 from Shri/ Shrimati/ Kumari*

Address

Dated

Electoral Registration Officer
(Address)

- To be filled in by the applicant.

APPENDIX-I

FORM-4

[See rules 16(4)]

Objection to particulars in an entry

To,

The Electoral Registration Officer.

.....Autonomous Council Constituency.

Sir,

I submit that the entry relating to myself which appears at Serial No..... in Part No..... of the electoral rolls"....." is not correct. It should be corrected to read as follows:

"....."

Place.....

Date

Signature or thumb impression of the elector

NOTE: Any person who makes a statement on declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable under section 31 of Representation of the People Act, 1950.

.....(Perforation).....

Intimation of action taken.

The objection in Form 4 lodged by Shri/ Shrimati/ Kumari.....
Address
.....has been,

(a) accepted and the relevant entry has been corrected to read as follows:

"....."

(b) rejected for the reason

Place.....

Date

Electoral Registration Officer

(Address).....

.....(Perforation).....

Receipt for Application

Received the application in Form 4 from Shri/Shrimati/Kumari *.....
Address.....

Place.....

Date.....

Electoral Registration Officer

(Address).....

* To be filled in by the applicant

APPENDIX-I

FORM- 5
[See rule 16(7)]Electoral Roll for.....Constituency of.....
Autonomous Council, 200.....

Polling Station No.....Name of Polling Station.....

Part No..... Sub Division.....Police Station.....
District.....

Name of Village / Town.....

List of Amendments

ADDITIONS

Serial No	House No.	Name of Elector	Father/ Husband's /Mother's name	Male or Female	Approximate age as on 1 st January 200
1	2	3	4	5	6

Corrections

Serial No. of Entry	Name of Elector	For (existing entry)	Read (corrected entry)
1	2	3	4

Deletions

Serial No. of entry	Name of elector
1	2

APPENDIX-I

FORM- 6
[See rule 16(7)]*Notice of final publication of electoral roll*

It is hereby notified for public information that the list of amendments to the draft electoral roll for the Constituency has been prepared with reference toAs the qualifying date and in accordance with the.....Autonomous Council (Election) Rules, 2021. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my Office.

Place.....
Date
Electoral Registration Officer(Address).....
.....

APPENDIX -II

FORM- 1
[See rule -19(1)]

NOTICE OF ELECTION

Notice is hereby given that:

- (1) an election is to be held of a member to the the Autonomous Council
in the State of Assam fromConstituency.

Nomination paper may be delivered by a candidate or his proposer to the Returning Officer or
to

.....Assistant
Returning Officer, at.....between 11 A.M. and 3 PM. on any day
(other than public holiday) not later than the

- (3) Forms of nomination paper may be obtained at the place and time aforesaid.

- (4)The nomination paper will be taken up for scrutiny at.....

On..... at

- (5) Notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent (who has been authorized in writing by the candidate to deliver it) to either of the officers specified in paragraph (2) above at his office before 3 P.M. on the

In the event of the election being contested, the poll will be taken on.....between the
hours of and.....

Place.....

Date.....

(Returning Officer)

APPENDIX-II

FORM-02

[See rule -21]

NOMINATION PAPERELECTION TO THE.....AUTONOMOUS COUNCIL

I nominate as a candidate for election to the.....Autonomous Council in the
State of Assam fromConstituency.

Candidate's Name :

Father's /Husband's Name :

His Postal Address:

His name is entered at Sl. No..... in Part No.....

.....of the electoral rolls for.....

Constituency.....

My name isand it is

entered at Sl. No..... in Part No.....

of the electoral rolls for.....

Date

(Signature of Proposer)

I, the above mentioned candidate, assent to this nomination and hereby declare (a) that I have completed
..... Years of age.

(b), that I am (set up) at this election by the.....party..

(c) that the symbols I have chosen are in order of preference

(i)..... (ii).....and

(d) that my name and my father's/husband's name have been correctly spelt out above
in.....(name of the language).

(e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to
fill the seat.

I, further declare that I am a member of the..... Caste/ tribe which is a scheduled
caste/ tribe of the State of Assam in relation to (area) in the State.

Date.....

(Signature of Candidate)

(to be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at.....(hour) on
.....(date) by the candidate/proposer.

Date.....

Returning Officer,

Decision of the Returning Officer accepting or rejecting the nomination paper. I have examined this nomination paper in accordance with Rule 21 of the.....Autonomous Council (Election) Rules, 2021 and decide as follows:-

Date.....

Returning Officer

Receipt for nomination paper and notice for scrutiny (to be handed over to the person presenting nomination paper) to be kept as office record)

Serial Number of the nomination paper.....

The nomination of.....a candidate for

Election to the.....Autonomous Council in the State of Assam from the

.....Constituency was delivered to me at my office

at.....(hour) on.....(date by the candidate/proposer.

All nomination papers will be taken up for scrutiny at.....(hour)

on (date.....at.....(place)

Returning Officer

Date.....

.....Constituency.

Receipt for nomination paper and notice for scrutiny.
(To be handed-over to the person presenting nomination paper)

Serial No. of the nomination paper.....

The nomination of.....

A Candidate for election to the.....Autonomous Council in the State of Assam from

the.....Constituency was delivered to me at my officer at.....(hour)

on.....(date) by the candidate /proposer.

All nomination papers will be taken up for scrutiny at.....(hour)

on (date.....at.....(place)

Date.....

Returning Officer.

.....Constituency.

APPENDIX-II

FORM-3

[See rule -21 (9)]

NOTICE OF NOMINATION

Election to the.....Autonomous Council in the State of Assam
from..... Constituency. Notice is hereby given that the following nominations in respect
of the above election have been received up to 3.00 P.M to-day,

Sl.No. of the nomination Paper	Name of the candidate	Name of father/husband	Age of the Candidate	Address	Party affiliation	Particular of caste or tribe for candidate belonging to SC/ST	Electoral roll no of the candidate	Name of proposer	Electoral Roll number of proposer
1	2	3	4	5	6	7	8	9	10

Place..

Date....

Returning Officer

APPENDIX-II

FORM-3A

[See rule -21(10)]

LIST OF NOMINATED CANDIDATES

Name of the State

Name of the Constituency.....

Sl. No.	Name of candidate	Address of candidate	Symbols chosen in order of preference By the candidate	Name of political party(National /State or Registered) by which the candidate claims to have been set up Independent candidate	Whether Forms "A" and "B" have been received by 3.00 P.M. on the last date for making nominations in respect of the candidate	Whether main candidate or substitute candidate of the party (as per party's s intimation in Form B)
1	2	3	4	5	6	7

Candidate of recognized National and State Political Parties,

Candidate of registered political parties (Other than recognized National and State Political Parties)
Other candidates (Independent candidates)

Place

Date

Returning Officer

APPENDIX -II

FORM-4

[See rule -25 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the.....Autonomous Council in the
State of Assam,..... (Year)

Sl. No.	Name of candidate	Name father/husband	of Address Candidate	of Party affiliation
1	2	3	4	5

Place

Date

Returning Officer

APPENDIX-II

FORM-5

[See rule -26(1)]

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election of the.....Autonomous Council in the State of Assam,

To

The Returning Officer,

.....Autonomous Council Constituency.

I..... a candidate validly nominated at the above election do hereby give
notice that I withdraw my candidature.

Place

Date

Signature of validly
Nominated candidate

This notice was delivered to me at my office at(hour)

On(date) by(name),

the.....

Date.....

Returning Officer

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The Notice of withdrawal of candidature by.....a (validly

Nominated candidate) at the election to the.....

was delivered to me by the.....at my office at.....(hour)

on(date)

Returning officer

APPENDIX-II

FORM-6

[See rule -26 (3)]

NOTICE OF WITHDRAWAL OF CANDIDATURES

Election to the..... Autonomous Council in the State of Assam 200..... from

.....Constituency.

Notice is hereby given that the following validly nominated candidate/candidates at the above election withdraw his candidature/their candidatures today.

Name of validly nominated candidate	Address of validly nominated candidate	Remarks
1	2	3

Date...

Returning Officer

APPENDIX-II

FORM-7

[See rule -27 (1)]

LIST OF CONTESTING CANDIDATES

Election to the..... Autonomous Council in the State of the Assam, fromConstituency.

SI No.	Name of Candidate	Address of Candidate	Party affiliation	Symbol Allotted
1	2	3	4	5

Candidates of recognized National and State Political parties.

Candidates of Registered Political parties (other than recognized National and State Political parties).
Other candidates.

Place.....
Date

Returning Officer

APPENDIX-II

FORM-8

[See rule 30(d)]

CANDIDATES IDENTITY CARD

PHOTOGRAPH

Shri is a contesting candidate for election to the Autonomous Council
from the Constituency, and is set up by the party.

Place.....

Signature of the candidate

Date.....

Attested by
Returning Officer
(Seal)

N.B. If the candidate is set up by a National party or a State party or an unrecognized party registered with
the Election Commission of India you should enter the name of the party, otherwise last line in the
form should be scored out.

APPENDIX-II

FORM-8 A

[See rule 31 (1)]

APPOINTMENT OF ELECTION AGENT

Election to the Autonomous Council in the State of Assam from
..... Constituency.

To

The Returning Officer,

..... Constituency.

I of a

Candidate at the above election do hereby appoint of as
my election agent from this day at the above election.

Place.....

Date.....

Signature of Candidate

I accept the above Statement.

Place.....

Date.....

Approved

Signature of election agent

Signature and
Seal of the Returning
Officer.

APPENDIX-II

FORM-9

[See rule-31 (3)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to the Autonomous Council in the State of Assam from
from..... Constituency.

To

The Returning Officer,
..... Constituency.

I a candidate at the above election, hereby revoke the appointment of
my election agent.

Signature of the candidate

Place.....

Date.....

APPENDIX-II

FORM-10

[See rule -32 (1)]

APPOINTMENT OF POLLING AGENT

Election to the Autonomous Council in the State of
Assam from..... Constituency.

I a candidate/election agent

of..... who is a candidate at the above election do
hereby appoint of..... as a polling
agent to attend polling station No..... at place fixed for the
poll..... at.....

Place.....

Signature of the Candidate/Election agent

Date.....

I agreed to act as such agent

Place.....

Date.....

Signature of Polling Agent.

APPENDIX-II

FORM-10 (A)

[See rule-70]

APPOINTMENT OF COUNTING AGENTS

Election to the General Council for the Autonomous Council in the
State of Assam, from Constituency.

To

The Returning Officer.

..... Constituency.

I, a candidate/ the election
agent of who is a candidate at the above election do hereby
appoint the following persons as my counting agents to attend the counting of votes
at

Name of the counting agentsAddress of the Counting agent

1.

2.

Signature of the Candidate/Election agent

We agree to act such counting agent

Place.....

Date.....

Signature of counting agents

APPENDIX-II

FORM-11

[See rule -33(1)]

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to the General Council for the Autonomous Council in the State of
Assam from Constituency.

To

The Returning Officer,

..... Constituency.

I, a candidate/the Election agent
of a candidate at the above election hereby revoke the appointment
of my/his polling agent.

Place.....

Date.....

Signature of the candidate/election agent.

APPENDIX-IIFORM-11(A)
[See rule -70]REVOCATION OF APPOINTMENT OF COUNTING AGENTElection to the General Council for Autonomous Council in the
State of Assam from Constituency.

To

The Returning Officer,

..... Constituency.

I, a candidate/the Election agent
of a candidate at the above election do hereby revoke the
appointment of
..... my/his counting agent.

Place

Signature of the candidate/election agent.

Date:

APPENDIX-IIFORM-12
[See rule -30(b)](FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED)Declaration of the result of Election under sub-rule (b) of rule 30 of
the Autonomous Council (Election) Rules, 2021.Election to the General Council for the Autonomous Council in the
State of Assam from Constituency.In pursuance of the provision contained in Rule 30 (b) of the Autonomous
Council (Election) Rules, 2021, I hereby declare that-

..... (Name)

..... (Address)

Sponsored by (Name of the recognized political party) has been duly
elected to fill the seat in the aforesaid General Council from the above Constituency.Signature
Returning Officer.

Place

Date

APPENDIX-II

FORM-13
[See rule -44(1)]

.....A.C.Elec./00.....Constituency Electoral Roll part No..... Serial No. of elector..... No..... Signature/Thumb Impression of electorA.C.Elec./00.....Constituency No.....	
Name of candidate	Symbol

APPENDIX-II
FORM-14
[See rule -38(1)]

LETTER OF INTIMATION TO THE RETURNING OFFICER

To

The Returning Officer for

..... Autonomous Council Constituency.

Sir,

I, intend to cast my vote by post at the ensuing election to the General Council for
 the..... Autonomous Council in the State of Assam
 from Constituency.

My name is entered at Sl. No..... in part No..... of the electoral roll for
 Constituency.

The ballot paper may be sent to me at the following address:

.....

Yours faithfully,

(.....)

Place:.....
 Date:.....

APPENDIX-II
FORM - 14 A
[See rules-37(2),38 (2) and 39 (3)]
(Cover A)

<p>A NOT TO BE OPENED BEFORE COUNTING</p> <p>ELECTION</p> <p>To the *.....</p> <p>POSTAL BALLOT PAPER</p> <p>Serial number of ballot paper</p> <p>*Appropriate particulars of the election to be inserted here.</p>
--

APPENDIX-II
FORM -14 B
[See rules -37(2),38 (2) and 39(3)]
Declaration by Elector

Election to the General Council of *.....
(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number..... has been issued at the above election.

Signature of elector.

Date:.....

Address.....

Attestation of signature

The above has been signed in my presence by..... (elector) who** is personally known to me/ has been identified to my satisfaction by.....(identifier) who is personally known to me.

Signature of Attesting Officer.

Signature of identifier, if any.....

Designation.....

Address.....

Date:.....

(This side is to be used only when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number..... has been issued at the above election.

Date:.....

Signature of Attesting Officer on behalf of elector
Address of Elector.....

CERTIFICATE

I hereby certified that,

(1) The above named elector**.....is personally known to me / has been identified to my satisfaction by.....(identifier) who is personally known to me.

(2) am satisfied that the elector**..... is illiterate/suffers from (infirmary) and is unable to record his vote himself or sign his declaration;

(3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

4) The ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes

Signature of Attesting Officer.....

Signature of identifier, if any..... Designation.....
Address..... Address.....
Date:.....

- * Here insert the following:-
"..... Autonomous Council from..... Constituency"
** Strike off the inappropriate alternative.

APPENDIX-II

FORM - 14 C

[See rules -37 (2), 38(21) and 39(3)]

[Cover B]

(To be used at an election to the..... Autonomous Council
from..... Constituency)

COVER B	<p>[Every officer under whose care or through whom A postal ballot paper is sent shall ensure its delivery to the addressee without delay - Rule 37(2) of the..... Autonomous Council (Election) Rules, 2021]</p> <p style="text-align: center;"><u>ELECTION-IMMEDIATE</u></p> <p>POSTAL BALLOT PAPER For *..... Constituency (NOT TO BE OPENED BEFORE COUNTING)</p> <p>To..... The Returning Officer.</p> <p>**.....</p> <p style="text-align: right;">Signature of Sender</p>
---------	---

* Returning Officer to insert here the name of the appropriate Autonomous Council Constituency.

**Returning Officer to mention here his full postal address:

APPENDIX-II

FORM - 14 D

[See rules-37(2), 38(2) and 39(3)]

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

(To be used at an election to the General Council of an Autonomous Council in the State of Assam)
Election to the*..... from the.....

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you

are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

The number of members to be elected is one. Please remember that you have only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do not put your signature or write any word or mark any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you have recorded your vote on the ballot paper place the ballot paper in the smaller cover marked "A" sent herewith. Close the cover and secure it by seal or otherwise.

(1) You may then sign the declaration in Form 14 also sent herewith the presence of a stipendiary magistrate and obtain the attestation of your signature by such stipendiary magistrate.

(2) If you are a member of the armed forces of the Union or of any armed police force of a State but i is serving outside that State, the attestation may be obtained by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which you or your wife, as the case may be, are employed.

(3) If you are employed under the Government of India in a post outside India the attestation may be obtained by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which you are resident.

(4) If you hold an office like the office of the (i) President, (ii) Vice-President, (ii) Governors of States, (iv) Cabinet Ministers of the Union or of any State, (v) The deputy Chairman and Members of the Planning Commission, (vi) The Ministers of State of the Union or of any State, (vii) Deputy Ministers of the Union or of any State, (viii) The Speaker of the House of the People or of any State Legislative Assembly, (ix) The Chairman of any State Legislative Council, (x) Lieutenant Governors of Union Territories, (xi) The Deputy Speaker of the house of the People or of any State Legislative Assembly, (xii) The Deputy Chairman of the Council of States or of any State Legislative Council, (xiii) Parliamentary Secretaries of the Union or of any State, the attestation may be obtained by an officer not below the rank of a Deputy Secretary to the Government of the Union or of the State, as the case may be.

(5) If you are on an election duty, attestation may be obtained by any gazetted officer or by the Presiding Officer of the polling station in which you are on election duty.

(6) If you are under preventive detention, the attestation may be obtained by the Superintendent of the jail or the Commandant of the detention camp in which you are under detention.

In all the above cases you may take the declaration to the authorized officer and sign it in his presence after he has satisfied himself about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer not tell him how you have voted.

If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and declaration signed on your behalf by any of the authorized officer mentioned above. Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

After your declaration has been signed and your signature has been attested, place the declaration in Form 14 B and also the smaller cover marked "A" containing the ballot paper in the larger cover marked "B". After closing the larger cover, send it to the Returning Officer by post or by messenger. You have to give full signature in the space provided on the cover marked "B".

Appropriate particulars of the election to be inserted here.

If you are an elector employed under the Government of India in a post outside India, you should return the cover to the returning officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon,

You must ensure that the cover reaches the Returning Officer before... **
 ** on.....

Please note that :-

If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected, and

If the cover reaches the returning officer After**

On the**

Your vote will not be counted:-

** (Here specify the hour and date fixed for the commencement of counting of votes)

APPENDIX-II

FORM - 15

LIST OF CHALLENGED VOTES

[See rule-51(2)(c)]

Election to the General Council for the..... Autonomous Council in the State of Assam
from Constituency.

Polling Station (No. & Name).....

Sl. No of entry	Name of Elector	Sl No. of Part of Roll	Elector's Name in that Part	Signature or thumb impression of the person challenged	Address of the person challenged	Name of the identifier if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9	10

Date.....

Signature of Presiding Officer

APPENDIX-II

FORM - 16

LIST OF BLIND AND INFIRM VOTERS

[See rule-55 (2)]

Election to the General Council for the..... Autonomous Council in the State of Assam
from Constituency.

Number and Name of Polling Station.....

Part No & Sl. No. of Elector	Full Name of Elector	Full Name of Companion	Address of Companion	Signature of Companion
1	2	3	4	5

Date.....

Signature of Presiding Officer

APPENDIX-II

FORM - 17

LIST OF TENDERED VOTERS

[See rule-54 (1)]

Election to the General Council for the Autonomous Council in the

State of Assam from Constituency.

Number and Name of Polling Station.

Part No. Sl. No. and Name of Elector	Address of Elector	Serial No. of tendered Paper	Serial No. of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5

Date.....

Signature of Presiding Officer

APPENDIX-II

FORM 18

LIST OF BALLOT PAPER ACCOUNT

[See rules-59 (1) and 76(2)]

Election to the General Council for the Autonomous Council in the

State of Assam from Constituency.

Number and Name of Polling Station.

Serial Nos.		Total No.
From	To	

1. Ballot papers received.....

2. Ballot papers unused (i.e. not issued to voters)-

(a) with signature of Presiding Officer

(b) without the signature of Presiding Officer

*Total: (a+b)

Ballot papers used at the Polling Station

(1-2=3)

***Ballot papers used at the Polling Station**

but NOT INSERTED IN TO THE BALLOT BOX:

(a) Ballot papers cancelled for violation of voting
Procedure under rule 53,

(b) Ballot papers cancelled for other reasons,

(c) Ballot papers used as tendered ballot papers _____

Total: (a+b+c) _____

***Ballot papers to be found in the ballot box**

(3-4-5)

(serial numbers need not be given)

Date.....

Signature of the Presiding Officer,

PART-II Result of Counting

Name of candidate	Number of valid votes cast
1.	
2.	
3.	
4.	
5.	
Etc.	
II. Rejected Ballet Papers	

III. TOTAL

Whether the total number of ballot
papers shown against item No. III above
tallies with the total shown against item
No 5 of Part-I or any discrepancy noticed
between these two totals.

Place.....

Signature of Counting
Supervisor

Place.....

Date

Signature of the Returning Office

APPENDIX-II

FORM - 18-A

(See rule-77)

(To be used in case of mixed counting of votes)

Election of the General Council for the Autonomous

Council of Assam from the Constituency.

No and Name of Polling Station

	Serial Nos	Total No.
	From	To
1. Ballot papers received		
Ballot papers unused (i.e. not issued to voters) -		
With the signature of Presiding Officer		
Without the signature of Presiding Officer		
Total (a+b):		
3. *Ballot papers used at the Polling Station		
(1-2=3)		
4. *Ballot papers used at the polling station but NOT		
INSERTED INTO THE BALLOT BOX:		
Ballot papers cancelled for violation of voting		
Procedure under rule 53,		
Ballot papers cancelled for other reasons		
Ballot papers used as tendered ballot papers		
*Total (a+b+c)		
5. Ballot papers to be found in the ballot box		
(3-4=5)		
*(Serial numbers need not be given)		

Date

Signature of the Presiding Officer

Part-II Result of initial counting

Total numbers of Ballot Papers found and the Ballot Box (es) used at the polling station.....

Discrepancy, if any, between the total number as shown against item 1 in this part and the total number of the Ballot Papers to be found in the Ballot Box (es) shown in item 5 of part -

Date..

Signature of Counting Supervisor

Signature of Returning Officer

APPENDIX-II

FORM - 19

[See rule 76 (2)]

Final Result Sheets

(To be used for recording the result of voting at Polling Stations, where polling station wise counting be done)

Election to the General Council for..... Autonomous Council in the
State of Assam from Constituency.

Name of the Constituency.....

Total No. of electors in the
Constituency.....

Serial No. of Polling Station	No of valid votes cast in favour of			Total of valid votes	No of rejected votes	Total No. of tendered votes
	A	B	C			
1						
2						
3						
Etc.						

Total No. of votes
recorded at polling
Stations:

No. of votes recorded
on postal ballot papers :

Total votes polled

Place.....

Date.....

Returning Officer

.....Constituency

APPENDIX-II

FORM -19- A

[See rule-77]

(To be used in case of mixed counting of votes)

Final Result Sheet

(To be used for recording the result of voting at polling stations in constituencies specified for mixed counting)

Election to the General Council for the Autonomous Council in the
State of Assam, from the Constituency

Polling Station No.	Total votes found in the ballot box (es)	No of tendered votes
1		
2		
3		
Etc.		

Total

Total number of valid votes recorded for candidates and of rejected ballot papers	Candidate's valid votes				Valid vote total	Number of rejected ballot papers	Valid and rejected votes total
	A	B	C	D			
1 st round							
2 nd round							
3 rd round							
4 th round							
5 th round							
Etc.							
Total							
Total number of valid votes recorded on postal ballot papers for candidates and of rejected Postal ballot papers							
GRAND TOTAL							

Place.....
Date.....

Returning Officer

Appendix-II
FORM-20
(WHEN SEAT IS CONTESTED)
[See rule-83]

Declaration of the result of election under rule 83 of the General Council for theAutonomous Council (Election) Rules, 2021

Election of the General for theAutonomous Council in the State of Assam from theConstituency.

In pursuance of previous contained in Rule 83 of theAutonomous Council (Elections) Rules, 2021, I declare that

.....
(Name)

.....
(Address)

Sponsored by
(Name of the recognized political party)

Has been duly elected to fill the seat in the aforesaid General Council from the above Constituency.

Place.....
Date.....

Signature.....
Returning Officer.

..... Constituency

APPENDIX-II

सत्यमेव जयते

FORM-21
[See rule-85 (1)]

CERTIFICATE OF ELECTION

I, Returning Officer, for
Constituency for election of a Autonomous member to the General Council for
the Autonomous Council in the State of Assam hereby certify that
I have on the day of 200 declared
Shri/ Shrimati of to have
been duly elected by the said Constituency to be a member of the General Council for
the Autonomous Council in the State of
Assam and that in taken thereof have granted to him this certificate of election.

Returning Officer.

Place.....

Date

For..... Constituency.

APPENDIX-II

FORM - 22

[See rule 85 (2)]

Form of Oath of Affirmation

I having been elected to fill a seat in the General for the Autonomous Council do swear in the name of God /solemnly affirm that I will bear true faith and allegiance to the Constitution of India by law established and that I will uphold the sovereignty and integrity of India.

(Signature and name of the candidate in Block letters)

Sworn in the name of God/ Solemnly affirmed by Shri/Smti..... at

..... place at (hour)..... day of 200..... before me,

(Signature of authorized person)

(Name, designation and Seal)

(Certificate for receipt of form of oath)

(To be handed over to the candidate by the authorized person)

Certified that Council for the (name) a candidate for election to the General Council for the Autonomous Council in the State of Assam from Constituency has made and subscribed the oath / affirmation as required by rule 85 (2) of the Autonomous Council (Election) Rules, 2021 before me at my office at (hour)..... on (date)

Date

(Signature of authorized person)

(Name, designation and Seal)

By order of the Governor.

APPENDIX - II

FORM 23

[See rule 21 (71)]

Memo to the Candidate

Memo No.....
From: The Returning Officer

Date.....

To

Shri/Smti
(Name of the Candidate and his/ her address)

SUB : Election to
From..... Constituency

You have made a declaration in your nomination paper that you are not disqualified for being chosen to the above election.)

Your attention is being invited to Section 2 of the Representation of the People Act, 1951 read with rule 21(5) and (6) of the Autonomous Council (Election) Rules, 2021

In order to be satisfied that you are not suffering from disqualification mentioned under the provisions of the aforesaid Act and Rules, you are required hereby to furnish the information as asked for in the enclosed proforma in Form 24 and proforma in Form 26 of Appendix-II which should be supported by affidavit duly sworn in before a Magistrate in Form 23 and 27 of Appendix-II respectively.

It should be noted that furnishing of any wrong information by you will render you liable for action as per law.

It should also be noted that the required information must be furnished by you immediately and positively before hour on (time and date fixed for scrutiny of nomination)

Returning Officer

APPENDIX - II

FORM -24

PROFORMA

Proforma for furnishing the information under rule 21(5) of the Autonomous Council (Election) Rules, 2021 by every candidate at an election to the Autonomous Council, 200..

Do you possess any movable or
Immovable properties.

If yes give details as below

Movable properties,
(such as Cash Bank balance/ Credit/
Insurance Policy NSC etc/
Shares Equities /Jewellery/
Motor vehicle /Motor Cycle/
Colour TV/ Air Conditioner etc.)

Sl no.	Description of items	Value	Bank A/C No & Nature of A/C	In Whose Name	Date & manner of Acquisition

Contd. Page 2.....

- b) Immovable properties (such as Land/Houses Properties of other Description Including shares, Mortgages and other rights that may accrue final benefit to the candidate)

Sl. No	Description of properties	Precise Location	Area	Nature of Land/House	Extent of Interest	Value	In whose Name	Date and manner of acquisition

Place

Date

Signature of Candidate

APPENDIX-II

FORM - 25
[See rule-21 (5)]

Before the Returning Officer

For Election to the Autonomous Council, 200

..... Constituency.

AFFIDAVIT

I Son/Daughter/Wife
of Aged Years, resident
of do hereby solemnly
affirm and declare as follows:

That I have filed my nomination paper(s) for the above election

That in connection with my candidature for the above election, I am submitting herewith the information as asked for by the Returning Officer under rule 21(5) of the Autonomous Council (Election) Rules, 2021 as per proforma in Form 24.

That the information furnished in the enclosed Proforma are true to the best of my knowledge and belief and that nothing material has been concealed there from.

Place.....

Date.....

Deponent

Verified before me

(Signature of Verifying authority with Seal)

APPENDIX-II

FORM - 26

[See rule 21(6)]

PROFORMA-II

Proforma for furnishing information under Section of the Representations of Peoples . Act, 1951 read with rule in the 21(6) of the Autonomous Council (Election) Rules, 2021 by every candidate at an election to theAutonomous Council, 200.

Election to the
From Constituency .

Name of the Candidate :

Father/ Mother/ Husband's name :

Have you ever been convicted in any case by a Court of law :
If yes, give details, as below

(i) Name of the Court by which Convicted :

(ii) Date of Conviction :

(iii) Nature of offence committed :
(with details of the relevant Act and Sections)

(iv) Punishment imposed :

(v) Period for which undergone Imprisonment, If any :

(vi) Date of release from prison :

Was any appeal/application for revision filed against above conviction: Yes/No

Reference No. of appeal application for revision filed, if any:

Name of the Court before which the appeal/ application for
revision filed :

(iii) Whether the said appeal / application for revision has been
disposed of or is pending : Disposed of / Pending

(iv) If disposed of

(a) Date of Disposal :

(b) Nature of order passed :

Whether any bail granted during the pendency of appeal/
Application for revision :

If yes, period during which remained on bail :

(Signature of Candidate)

Place

Date

APPENDIX-II

FORM - 27

[See rule-21 (6)]

Before the Returning Officer

For Election to the..... Autonomous Council, 200

..... Constituency.

AFFIDAVIT

I Son/ Daughter/ Wife of.....
aged..... years, resident of do hereby solemnly affirm and declare as
follows:

That I have filled my nomination paper(s) for the above election.

That in connection with my candidature for the above election, I am submitting herewith the Information
as asked for by the Returning Officer under rule 21(6) of
the..... Autonomous Council (Election) Rules, 2021 as per proforma in
Form 26 of Appendix-II.

(3) That the information furnished in the enclosed Proforma are true to the best of my knowledge and belief
and that nothing material has been concealed therefrom.

Place.....

Deponent

Date.....

Verified before me

(Signature of verifying authority with Seal)

APPENDIX-II

FORM - 28
[See rule-23]
FORM - A

(Notice as to names of candidates set-up by the Political Party)

To

(1) The State Election Commission.

(2) The Deputy Commissioner.....

(3) The Returning Officer for the.....Constituency.

Sub: Authorization of personnel to intimate the names of candidates who will contest
The..... Autonomous Council Election, 200.

Sir

I am to say that is a recognized National State
Political Party/ Registered unrecognized Political Party, Central Body / State Unit
of party has authorized the following person(s) to intimate
the names of candidates proposed to be set up by the party at the election
to..... Autonomous Council, 200

Name of the person authorized to issue letter of authority	Official designation of the person Autonomous Council Constituencies in respect of which he has been authorized

The specimen signature of the above person(s) so authorized are given below:

..... (ii)

(iii).....

Yours faithfully,

President/Secretary

.....
(Name of the Political Party)

B: (1) This Letter of authority must be delivered to the Returning Officer not later than 3 P.M. on the last
date of filing nominations.

(2) The authority Form" must be signed by the office bearer as mentioned above.

(3) No attested copy or fax be accepted.

APPENDIX II

FORM - 29

[See rule-23]

FORM-B

(Form of communication with regard to authorized persons to intimate the names of candidates set up by recognized National or State Political Party registered unrecognized Political party)

To

1) The State Election Commission,

2) The Deputy Commissioner.....

The Returning Officer for the

.....Constituency

Sub: Setting up of candidate(s) to contest..... Autonomous Council Election, 200

Sir.

In pursuance of the authority given by State Unit of.....

..... I hereby give notice that the following persons have

been set up by party as its candidates at the ensuing Autonomous

Council Election, 200 from the constituency noted against each.

No and name of the Constituency	Name of the approved candidate	Name of father/Husband of the approved	Postal Address of the approved candidate.

Yours faithfully.

Place.....

Date

Name & Signature of the authorized person of the party.

Seal.....

Appendix-II

FORM - 30

[See rule-21 (8)]

OFFICE OF THE RETURNING OFFICER

.....Constituency of the General Council of
 Autonomous Council.

Memo No..... Date

To

.....
 (Name of Candidate)

This is to inform you that you have not made and subscribed an oath or a affirmation as required by the Constitution of India. This may be done either before me or before any of the persons authorized by the Election Commission of India in this behalf on any day before the date appointed for scrutiny of nominations.

Returning Officer

Date..... Constituency.

*Received Memo No.....dated.....

from the Returning Officer,..... Constituency toady.

Place.....

Date.....

(Signature of Candidate or Proposer)

*For office record only.

APPENDIX-II

FORM-31

[See rule - 21 (8)]

FORM OF OATH OR AFFIRMATION

I.....having been nominated as a candidates
to fill a seat in the General Council of theAutonomous Council
from constituency do swear in the name of God Solemnly
affirm that I will bear true faith and allegiance to the Constitution of India an by law established and that I will
uphold the sovereignty and integrity of India.

Signature.....

.....
(Name in block letters of the Candidate)

Sworn in the name of God /Solemnly affirmed by Shri/Shrimati.....
.....of.....(Place) at.....
(hour) this day of(year).....before me.

(Signature of authorized person)

(Name & Designation with Seal)

(Certificate for receipt of Oath)

(To be handed over to the candidate by the authorized person)

Certified that.....(name) a candidate for election to the General
Council of the.....Autonomous Council
from..... Constituency has made and subscribed the oath affirmation as required by
the Constitution of India, before me at may officer at..... (hour) on..... (date).....

(Signature of Authorized Person)

Date.....

Name & Designation with Seal.

APPENDIX-II

FORM-32

[(See rule 45(1)]

POLLING MATERIALS

1. Indelible Ink	- 2 (two) phial of 5 ml,
2. Self inking Pad	- 1 (one)
3. Blotting Paper	- 1 (one) sheet of D.F.C. Size
4. Full-Scap paper	- 4 (four) sheets
5. Pins	- 1 (one) Packet.
6. Metal seal for Presiding Officer	- 1 (one)
7. Arrow Cross mark rubber stump for marking ballot paper	- 2 (two)
8. Sutli (Thread)	- 2 (two) bundles
9. Sealing wax	- 6 (six) pieces
10. Material for voting compartment	- 2 (two)
11. Gum paste	- 1 (one) bottle small
12. Pusher	- 1 (one)
13. Match box	- 1 (one)
14. Blade	- 1 (one)
15. Metal Rule for detaching ballot Paper from counterfoil	- 1 (one)
16. Paper Seal	- 1 (one)
17. Ballot Paper	- 8 (eight)
18. Card Board for strengthening paper seal	- 1 (one)
19. Rubber stamp bearing distinguishing Mark of the P/S	- 2 (two) Sheets
20. Packing Paper	- 3 (three) copies
21. Working copy of the electoral Roll	- 6 (six)
22. Address tag	- 3 (three) nos
23. Candle	- Big Size 1 no. & Medium Size 2 nos.
24. Ballot Box	- 1 (one) meter.
25. Iron wire	- 1 (one)
26. Cup or empty cigarette tin for setting the indelible ink	- 2 (two) meters
27. Markin cloth for wrapping the ballot box	- 5 (five) meters
28. Ribbon or tape for securing the ballot box	- 4 (four) sheets
29. Carbon Paper	- 4 (four)
30. Ball Pen	- 1 (one)
31. Copying Pencil	- 1 (one)
32. Plastic bag for carrying pulling materials	- 1 (one)
33. Stamp Pad Ink	- 1 (one)
34. Needle	- 2 (two)
35. Twine Bail	- 1 (one) small 11 mtrs.
36. Stamp Pad	- 2 (two)

Signature of Presiding Officer on
Receipt of the Materials

FORMS AND COVERS

1. List of contesting candidates	- 2 (Two) copies of each category
2. Appointment of Polling Agent	- 20 (twenty)
3. Revocation of appointment of polling agent	- 10 (ten)
4. List of challenged Votes	- 8 (eight)
5. List of blind and Infirm voters	- 8 (eight)
6. List of Tendered Votes	- 4 (four)
7. Ballot Paper Account	- 2 (twenty)
8. Paper seal account	- 4 (four)
9. Declaration of the Presiding Officer at the beginning of the Poll, at the time of use of subsequent ballot box (es) and at the end of the Poll	- 4 (four)
10. Presiding Officer's diary	- 2 (two)
11. Cover for Ballot Paper Account	- 4 (four)
12. Cover for Counterfoils of used ballot papers	- 3 (three)
13. Receipt book for deposit of fee for challenged Votes	- 1 (one)
14. Release order of polling officer	- 6 (six)
15. Cover for marked copies of electoral roll	- 4 (four)
16. Cover for list of challenged votes	- 2 (two)
17. Cover for signed and unused Ballot Papers	- 2 (two)
18. Cover for unused/ cancelled paper seals	- 2 (two)
19. Cover for cancelled Ballot Papers	- 2 (two)
20. Cover for receipt book and cash forfeited	- 2 (two)
21. Notice Specifying Polling Area	- 3 (three)
22. Pass for Polling Agents	- 30 (thirty) (big size)
23. Blank cover to keep all other papers	- 3 (three) (big size)
24. Ballot Box Label	- 6 (six)
25. Cover for presiding officer's diary	- 2 (two)
26. Cover for tendered ballot paper	- 2 (two)
27. Cover for paper seal account	- 2 (two)
28. Address tag	- 6 (six)
29. Cover for metal seal	- 1 (one)
30. Cover for distinguishing mark rubber seal	- 2 (two)
31. Cover for Arrow Cross Mark Rubber Stamp	- 2 (two)

Signature of Presiding Officer on
Receipt of the Materials

APPENDIX-II

FORM - 33

[See rule-60(1)]

PART I

Record of paper seals used at Election to.....Autonomous Council, 200

Constituency

Polling Station Number.....

Serial Number of Ballot box used	Ballot Box No. (engraved)	Serial Number of paper seal used	Remarks
1	2	3	4
1			
2			
3			

PART-II

Account of Paper Seals

1. Serial number of papers seals

Supplied from Sl. No from..... to Sl. No.....

Signature of Polling Agents

2. Total Numbers supplied.....

3. Number of paper seals used.....

4. Number of unused paper seals
returned to Returning Officer.
(Deduct items 3 from item 2)5. Serial number of damaged paper
Seals, if any....

Date ..

Place ..

Signature of Presiding Officer

N.B. : 1. Parts I and II are parts of the same form and should be printed on the same sheet of paper. They should not be detached from each other.

2. Allow every candidate or his agent to take note of the serial numbers of paper seals and to affix his signature in Part II of the form at the end of the poll after the other particulars have been filled in by you. Thereafter, forward the completed form to the Returning Officer in a separate cover along with the ballot paper account in Form 18 and your declarations.

APPENDIX-II

FORM - 34
[See rule-47(6)]

FORM FOR DECLARATION BY THE PRESIDING OFFICER BEFORE THE COMMENCEMENT OF THE POLL, AT THE TIME OF USE OF SUBSEQUENT BALLOT BOX(ES) AND AT THE END OF THE END OF THE POLL

Part-1

Declaration by the Presiding Officer before the commencement of the poll

Election to.....Autonomous Council, 200

Serial No. and name of Polling StationDate of Poll.....

I hereby declare:

(1) that I have demonstrated to the Polling and other persons present that the ballot box(es) to be used for the poll is/are empty and I have also allowed them to note down the serial number(s) of the ballot box(es).

(2) That on the paper seal used for securing that ballot box I have affixed my own signature and agents obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.

(3) That have demonstrated to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any marks other than those used for issuing postal ballot papers and marks against persons on election duty who have been issued ballot papers by the Returning Officer.

(4) That I have allowed the polling agents to note the first and the last of the serial number of the ballot papers and showed them.....bundles of the ballot papers, which will be used at the polling station.

Signature.....
Presiding Officer.

Signature of the polling agents

1.....(of candidate.....)	11.....(of candidate.....)
2.....(of candidate.....)	12.....(of candidate.....)
3.....(of candidate.....)	13.....(of candidate.....)
4.....(of candidate.....)	14.....(of candidate.....)
5.....(of candidate.....)	15.....(of candidate.....)
6.....(of candidate.....)	16.....(of candidate.....)
7.....(of candidate.....)	17.....(of candidate.....)
8.....(of candidate.....)	18.....(of candidate.....)
9.....(of candidate.....)	19.....(of candidate.....)
10.....(of candidate.....)	20.....(of candidate.....)

The following polling agent(s) declined to affix his/her signature(s) on this declaration.

1.....(of candidate.....)	2.....(of candidate.....)
3.....(of candidate.....)	4.....(of candidate.....)
5.....(of candidate.....)	6.....(of candidate.....)
7.....(of candidate.....)	8.....(of candidate.....)

Date.

Signature.....
Presiding Officer.

Part-II

Declaration by the Presiding Officer at the time of use of subsequent Ballot Box (es) Election to..... Autonomous Council Constituency, 200 Serial No. and name of Polling Station:Date of Poll.....

I hereby declare:

- 1) that I have demonstrated to the polling agents and other persons present that the second/ third () ballot box to be used for the poll is empty.
- 2) that on the paper seal used for securing the ballot box I have affixed my own signature and obtained thereon the signatures of such of the polling agents as are present and desirous of affixing the same.

Signature.....
Presiding Officer.

Signature of the polling agents

1.....(of candidate.....)	12.....(of candidate.....)
2.....(of candidate.....)	13.....(of candidate.....)
3.....(of candidate.....)	14.....(of candidate.....)
4.....(of candidate.....)	15.....(of candidate.....)
5.....(of candidate.....)	16.....(of candidate.....)
6.....(of candidate.....)	17.....(of candidate.....)
7.....(of candidate.....)	18.....(of candidate.....)
8.....(of candidate.....)	19.....(of candidate.....)
9.....(of candidate.....)	20.....(of candidate.....)
10.....(of candidate.....)	
11.....(of candidate.....)	

The following polling agent(s) declined to affix his/her signature(s) on this declaration.

1.....(of candidate.....)	2.....(of candidate.....)
3.....(of candidate.....)	4.....(of candidate.....)
5.....(of candidate.....)	6.....(of candidate.....)
7.....(of candidate.....)	8.....(of candidate.....)

Date.

Signature.....
Presiding Officer.

Part-III**DECLARATION AT THE END OF POLL.**

I have furnished to the polling agents, who were present at the polling station at the close of the poll and whose signatures are affixed below, an attested copy of each of the entries in the ballot paper account in Form 18

Date.....

Signature.....
Presiding Officer.

Received an attested copy of the entries made in the ballot paper account.

Signature of the polling agents

- 1.....(of candidate.....)
- 2.....(of candidate.....)
- 3.....(of candidate.....)
- 4.....(of candidate.....)
- 5.....(of candidate.....)
- 6.....(of candidate.....)
- 7.....(of candidate.....)
- 8.....(of candidate.....)
- 9.....(of candidate.....)
- 10.....(of candidate.....)
- 11.....(of candidate.....)
- 12.....(of candidate.....)
- 13.....(of candidate.....)
- 14.....(of candidate.....)
- 15.....(of candidate.....)
- 16.....(of candidate.....)
- 17.....(of candidate.....)
- 18.....(of candidate.....)
- 19.....(of candidate.....)
- 20.....(of candidate.....)

The following polling agents who were present at the close of the poll declined to receive an attested copy of the ballot paper account and to give a receipt therefore and so an attested copy of the ballot paper account was not supplied to them:

1.....(of candidate.....)
3.....(of candidate.....)
5.....(of candidate.....)
7.....(of candidate.....)

2.....(of candidate.....)
4.....(of candidate.....)
6.....(of candidate.....)
8.....(of candidate.....)

Date.....
Signature.....
Place

Presiding Officer.

APPENDIX-II

FORM -35

[See rule 62 (1)]

PRESIDING OFFICER'S DIARY

1. Name of Constituency (in block letters) :
2. Date of poll :
3. Number of polling station :
Whether located in :
(i) Government or quasy-government building :
(ii) Private building :
(iii) Temporary structure :
4. Number of polling officers recruited locally, if any :
5. Appointment of polling office made in the absence of duly
appointed polling officer, if any and the reasons for such appointment :
6. Number of ballot boxes used :
7. Number of paper seals used :
8. Number of polling agents and the number who arrived late :
9. Number of candidates who had appointed polling agents at the polling station :
10. * Number of ballot papers issued according to
marked copy of the electoral roll :
Number of ballot papers actually issued at the polling station :

Signature of first Polling Officer

Signature of Polling Officer
In-charge of ballot papers

11. Number of electors who voted
Man
Woman.....
Total.....
12. Challenged vote-
Number allowed.....
Number rejected.....
Amount forfeited Rs.....
13. Number of electors who voted with the help of companions :
14. Number of tendered votes :
15. No. of electors -
a. From whom declarations as their age obtained.....
b. Who refused to give such declaration.....
16. Whether it was necessary to adjourn the poll and if so, the
reasons for such adjournment:

17. Number of votes caste
 From 7 a.m. to 9a.m.
 From 9a.m. to 11a.m.
 From 11a.m. to 1 pm
 From 1 p.m. to 3 p.m.
 From 3 p.m. to the closing hour of the poll
18. Number of slips issued at the closing hour of the poll :
19. Electoral offenses with details

Number of cases of-

- a. Canvassing within one hundred meters of a polling station :
 b. Impersonation of voters :
 c. Fraudulent defacing, destroying or removal of a list of notice or other document at polling

Station :

- d. Bribing of voters:
 e. Intimidation of voters and other persons:

20. Was the poll interrupted or obstructed by-

1. Riot :
 2. Open violence :

* This will include all the ballot papers issued at the polling station

This will include ballot papers cancelled and tendered ballot papers also

- (3) Natural calamity :
 (4) Any other cause :
 Please give details of the above

21. Was the poll vitiated by-

- i. Any ballot box used at the polling station having been unlawfully taken out of the custody of the Presiding Officer
 (a) accidentally or intentionally lost or destroyed :
 (b) damaged or tampered with:
 ii. The ballot papers having been unlawfully marked by any person and deposited in the ballot box: Please give details

22. Serious complaints, if any, made by the candidate:

23. Number of cases of breach of law and order:

24. Report of mistakes and irregularities committed, if any, at the polling station:

25. Whether the declarations have been made before the commencement of the poll and if necessary during the course of poll when a new ballot box is placed for reception of marked ballot paper and at the end of poll as necessary:

Place:

Date:

Presiding Officer

This diary should be forwarded to the Returning Officer along with the ballot boxes and other sealed papers.

APPENDIX-II

FORM -36

[See rule 62 (2)]

MODEL FORM FOR REPORT

Under rule 63(2) of Autonomous Council (Election) Rules, 2021.

FAX/ WIRELESS MESSAGE

FROM : RETURNING OFFICER

FOR.....CONSTITUENCY.

TO : THE SECRETARY

Assam State Election Commission
Dispur, Guwahati-6

REPEATED

To : District Election Officer

NO.....(.) DATED THE.....
 REFERENCE ELECTION TO THE GENERAL COUNCIL FOR.....
 AUTONOMOUS COUNCIL FROM.....CONSTITUENCY (.) REPORTS HAVE
 BEEN RECEIVED AND VERIFIED THAT POLL ON DATE AT FOLLOWING POLLING STATION (S) WAS
 ADJOURNED UNDER RULE 65(2) OF.....AUTONOMOUS COUNCIL (ELECTION)
 RULES, 2021 BECAUSE OF CIRCUMSTANCES INDICATED AGAINST EACH POLLING STATION (.)

SL.NO.	NO. & NAME OF POLLING STATION	NAME/ DESIGNATION OF REPORTING AUTHORITY	CIRCUMSTANCES UNDER WHICH POLL ADJOURNED.
1	2	3	4

COMMISSIONS DIRECTIONS SOLICITED UNDER RULE 65(2) OF THE SAID RULES (.) IT IS
 RECOMMENDED THAT ADJOURNED POLL MAY BE HELD
 ON.....BETWEEN.....TO.....HOURS OF THE ABOVE
 POLLING STATION(S) AT THE SAME LOCATION (S) (.)

Not to be transmitted:

PLACE.....

DATE.....

Returning Officer

FOR.....

CONSTITUENCY &.....

Copy by post, in confirmation forwarded to the:

1. Secretary, Assam State Election Commission, Dispur, Guwahati-6
2. Dist. Election Officer &.....

Returning Officer

FOR.....

CONSTITUENCY &.....

APPENDIX-II

FORM -37

[See rule 67 (I) (b)]

MODEL FORM FOR REPORT

Under Rule 63(2) of Autonomous Council (Election) Rules, 2021.

FAX/ WIRELESS MESSAGE

FROM : RETURNING OFFICER

FOR.....CONSTITUENCY.

REPEATED

TO: DISTRICT ELECTION OFFICER FOR.....
 NO.....(.) DATED THE.....(.) REFERENCE ELCTION TO THE GENERAL
 COUNCIL FOR.....AUTONOMIUS COUNCIL
 FROMCONSTITUENCY(.) POLL TAKEN ON.....AT
 FOLLOWING POLLING STATIONS (S) WAS VITIATED TO SUCH AN EXTENT THAT THE RESULT OF
 POLL THEREAT CANNOT BE ASCERTAINED FORRESONS INDICATED AGANTS EACH FOLLOWING
 STATION.

SL.NO.	NO. & P
1. 1	

1.
2.
3.
4.
5.
6.
ETC

MATTER IS REPORTED UNDER RULE 67 (1) (b) OF THEAUTONOMOUS
 COUNCIL (ELECTION) RULES, 2021. (.) FUTHER DIRECTIONS OF COMMISSION IN TERMS OF RULE 47
 (2) (b) OF THE SAID RULES ARE SOLICITED (.)

PLACE.....
 DATE.....

Returning Officer

FOR.....

CONSTITUENCY

Copy by post, in confirmation forwarded to the:

1. Secretary, Assam State Election Commission, Dispur, Guwahati-6
2. Dist. Election Officer &.....

Returning Officer

FOR.....

CONSTITUENCY

APPENDIX-II

FORM -38

[See rule 68 (1) (b)]

MODEL FORM FOR REPORT

Under rule 63(2) of Autonomous Council (Election) Rules, 2021.

FAX/ WIRELESS MESSAGE

FROM : RETURNING OFFICER

FOR CONSTITUENCY.

REPEATED

TO: DISTRICT ELECTION OFFICER &
 NO.....(.) DATED THE.....(.) REFERENCE ELECTION TO THE GENERAL
 COUNCIL FOR.....AUTONOMOUS COUNCIL
 FROMCONSTITUENCY(.) REPORTS HAVE BEEN RECIVED THAT
 BOOTH CAPTURED HAS TAKEN PLACE AT THE FOLLOWING POLLING STATION (S) IN SUCH A
 MANNER THAT RESULT OF POLL TAKEN THEREAT ON(DATE) CANNOT BE ASCERTAINED (.)
 DETAILS OF BOOTH CAPTURING ARE GIVEN AGAINST EACH SUCH FOLLOWING STATION (.)

SL.NO.	NO. & NAME OF POLLING STATION	NAME/ DESIGNATION OF REPORTING AUTHORITY	DETAILS OF BOOTH CAPTURING
1	2	3	4

1
2.
3.
4.
5
6.
ETC

MATTERS IS REPORTED TO ASSAM STATE ELECTION COMMISSION IN TERMS OF RULE 68 (1) (b)
 OF AUTONOMOUS COUNCIL (ELECTION) RULES, 2021 COMMISSION'S
 DIRECTION UNDER SUB RULE (2) OF THE SAID RULE ARE SOLICITED (.)

PLACE.....

DATE.....

Returning Officer

FOR.....

CONSTITUENCY

Copy by post, in confirmation forwarded to the:

1. Secretary, Assam State Election Commission, Dispur, Guwahati-6

2. Dist. Election Officer &.....

Returning Officer

FOR.....

CONSTITUENCY

APPENDIX-II

FORM-39

[See rule 69 (2)]

Assam State Election Commission

INFORMATION SHEET ON COUNTING CENTRES FOR COUNTING OF VOTES RELATING TO
GENERAL COUNCIL ELECTION FOR.....AUTONOMOUS COUNCIL(YEAR)

NAME OF THE STATE :

A Basic information				
(a) Counting Centre No			(b) Category: Urban/Rural	
(c) No of Gen Council constituencies proposed to be covered in this centers:				
Sl No	Constituency No.	Constituency Name	Constituency Type	Whether covered in whole or part
1				
2				
3				
(d) Building:				
(e) Area (Particulars of the street Locality/ Area in which the building is situated):				
(f) Village/Town/Metro Name:				
(g) Name of the Police Station:			Pin code.	
(h) Name of the District:				
(i) Confirm if the Strong Room for storing Polled Ballot Boxes after the poll is located in the counting itself Yes/No.				
(j) If the answer (i) above is 'No, name of place where the Strong Room is located, its distance from the Counting Center and the regions for choosing this location :				
(k) Whether sufficient space/shelter is available near the Strong Room for the Security Guards & agents of the candidates to keep watch : [Please give details in item E(b)] Yes/No.				
(l) Distance from police station of which the counting center forms a part (in k.ms):				
(m) Assam State Election Commission's approval date:				
(n) Attached Media Centre No. & Name				

B. Facilities/Infrastructure of available (Please Tick)	
(a) Type of structure Pucca/ Kuchcha	(b) Adequate Storage Space: Yes/No
(c) Water: Yes/No.	(d) Toilet : Yes/No.
(e) First aid facilities: Yes/No.	(f) Regular electricity availability: Yes No.
(g) Arrangements proposed for emergency lighting	
(h) Fire fighting arrangements proposed:	
*Strike out whatever is not applicable	

C. Information on Counting Halls						
No. of halls available for counting:						
Hall No	Dimensions of the Hall (in Mtrs.)		No. of Doors	Constituencies proposed to be covered		No. of tables proposed to be placed in the Hall
	Length	Width		In whole**	In part**	

Note: Please use continuation sheets, if required, for giving information on all counting halls

**Constituency Nos. should be given in the order in which the counting is proposed to be taken up.

D. Communication Facilities proposed to be installed ***	(a) STD Code:
(b) Tel: (1) (2) (3)	(c) Fax :

E. Verification Report of RO	(a) Date of verification
(b) Remarks/Recommendation (covering the aspects of law and order, security, public address system, media and place for crowds etc.)	
Continued on continuation sheet-.....	
Verifying Officer's	Date:
(c) Name:	Place:
(d) Designation :	
(e) Full Address:	Signature:
(Use stamp, if available)	

F. For use by District Election officer &	
(a) Remarks	
Continued on continuation sheet-.....	
(b) Name:	Date
(c) Address ,	Place.
(use stamp, if available)	Signature:

***Phone /Fax nos. should be obtained in advance, even though these may be made operational later.

APPENDIX-II

FORM-40

[See rule 78 (2)]

CERTIFICATE

(To be signed at the end of each round of counting)

This is to certify that the counting of votes in round No.....(to be mentioned) has been completed to our satisfaction in all respects, including the counting (of doubtful votes) at the Returning Officer's table relating to the said round.

Name of Candidate/Election Agent/Counting Agent

Signature

Observer

Returning Officer

APPENDIX-II

FORM -41

[See rule 106(1)]

ACCOUNTS OF ELECTION EXPENDITURE

Name of the Candidate :

Name of the Political Party, if any. :

Constituency from which contested :

Date on which validly nominated :

Date of Poll :

Date of Declaration of result :

PART-I
DAY TO DAY ACCOUNT

Date of Expenditure	Nature of Expenditure	Amount of Expenditure		Date of Payment	Name and Address of payee	Sl. No. of Voucher in case of amount paid	Sl. No of Bill in case of an amount outstanding	me and Address of person to whom the amount outstanding is	Remark
		Paid	Outstanding						
1	2	3	4	5	6	7	8	9	10

Certified that the account of expenditure covers the period between the date on which I was nominated as a candidate and the date of declaration of result of the election, both days inclusive.

Certified also that this is a true copy of the account kept by me/ my election agent under rule 106(1) of the Autonomous Council (Election) Rules, 2021.

.....
Signature of the Contesting Candidate.

PART II

ABSTRACT STATEMENT OF ELECTION EXPENSES

Item of Expenditure	Quantity/ Number	Name of person/ Political Party/ Body/ Association incurring or authorizing the expenditure	Amount of Expenditure	Date(s) of Payment	Mode of Payment	Evidence of payment enclosed with the account	Remarks
1	2	3	4	5	6	7	8

1. Cost of nomination form
2. Expenditure on security deposit
3. Expenditure on Printing
4. Expenditure on purchase of electoral rolls
5. Expenditure on Advertisement
 - (a) Wall Writing
 - (b) Distribution of Handbills.
 - (c) Pasting of Posters
 - (d) Publications
 - (e) Video & Audio Cassettes
 - (f) Others
6. Expenditure on stationery
7. Expenditure on Postage and telegram
8. Expenditure on election meeting
 - (a) Hiring Charges of places
 - (b) Hiring/ erection charges of Pandals
 - (c) Loudspeakers
9. Hiring Charges and fuel charges of vehicles used by
 - (a) The candidate
 - (b) Election agent
 - (c) Polling agents & others
10. Refreshment given to
 - (a) Election agent
 - (b) Polling agents
 - (c) Counting agents
 - (d) Others (to be specified)
11. Miscellaneous expenditures (not listed above like VIP visits, engagement of Photographers etc.)

.....
Signature of the Contesting Candidate.

Notes:

- (1) A separate report should be sent in respect of each constituency.
- (2) The report should cover all contesting candidates, whether they have been elected or defeated at the poll.
- (3) The name of the constituency shall be spelt exactly in the same manner as in the Delimitation Order. The names of the candidates shall be spelt as in the list of contesting candidates.
- (4) In determining the last date by which the accounts of election expenses are to be lodged by the contesting candidates, the date on which the returned candidate has been declared elected shall not be taken into account while calculating the period of 30 days under rule 106(1) of Autonomous Council (Election) Rules, 2021.
- (5) Returns lodged by candidates after the last date should be examined and material defects, if any, noticed therein, recorded in column 7.

Appendix-III

List of Reserved and free Symbols
[See rule-24 (1)]

TABLE-1

NATIONAL PARTIES

Sl. No	National Parties	Symbol reserved
1	Bahujan Samaj Party	Elephant (In all States/U.T.s except in the States of Assam & Sikkim, where its candidates will have to choose another symbol from out of the list of free symbols specified by the Commission)
2	Bharatiya Janata Party	Lotus
3	Communist Party of India	Ears of Corn and Sickle
4	Communist Party of India (Marxist)	Hammer, Sickle & Star
5	Indian National Congress	Hand
6	Nationalist Congress Party	Clock

TABLE II
STATE PARTIES OF ASSAM

Sl. No	State Parties of Assam	Symbol reserved
1	Asom Gana Parishad	Elephant
2	Communist Party of India (Marxist Leninist) (Liberation)	Flag with three Stars

TABLE - III
REGISTERED UNRECOGNISED PARTIES

<u>Sl. No.</u>	<u>Registered Un-recognised Parties</u>
1.	Autonomous State demand committee
2.	People's Democratic Front.
3.	Plains Tribal Council of Assam.
4.	United Bodo Nationalist Liberation Front.
5.	United Minorities Front.
6.	Assam United Peoples Party of Assam.
7.	United Reservation Movement Council of Assam
8.	United Tribal Nationalists Liberation Front.
9.	Borak Valley Territory Demand Committee..
10.	Hindustan Suraksha Party.
11.	Trinamool Gana Parishad

TABLE-IV
(LIST OF FREE SYMBOLS)

1 Aeroplane
2 Almirah
3 Axe
4. Balloon
5. Jlanana
6. Bangles
7. Basket
8. Bat
9. Batsman
10. Bead Necklace
11. Black Board
12 Book
13 Bread
14 Brick
15 Bridge
16 Brief Case
17 Brush
18 -
19 Cake
20 Camera
21 Candles
22 Carrot
23 Ceiling Fan
24 Coat
25 Coconut
26 Comb
27 Cot
28 Cup & Saucer
29 Dao
30 Diesel Pump
31 Dolli
32 Electric Pole
33 Envelope
34 Fork
35 Frock
36 Frying pan
37 Gas Cylinder
38 Gas Stove
39 Glass Tumbler

40 Harmonium
41 Hat
42 Ice Cream
43 Iron
44 Jug
45 Kettle
46 Kite
47 Lady purse
48 Letter Box
49 Lock & Key
50 Maize
51 Nagara (In all States and Union Territories except in the North Eastern States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, & Tripura)
52 Neck Tie
53 Pressure Cooker
54 Railway Engine
55 Ring
56 Road Roller
57 Saw
58 Scissors
59 Sewing Machine
60 Shuttle
61 Slate
62 Spoon
63 Stool
64 Table
65 Table Lamp
66 Television
67 Teni
68 Toffee Violin
69 Walking Stick
70 Whistle
71 Wool
72 Battery
73 Torch
74 Bell

MUKESH CHANDRA SAHU,
Principal Secretary to the Govt. of Assam,
WPT & BC Department, Dispur.